Rev: Francis Gell BA
Bombay Ecclesiastical Estabt.
1859.

BENGAL CHAPLAIN'S

VADE-MECUM:

OR

A COLLECTION OF EXTRACTS

FROM VARIOUS SOURCES;

WHICH WILL GUIDE A CHAPLAIN IN THE PERFORMANCE OF THE DUTIES OF HIS OFFICE, AND ALSO BE OF USE TO HIM IN OTHER RESPECTS.

COMPILED BY

JOSEPH JAMES CARSHORE, D. D.

(TRIN. COLL. DUBLIN,)

CHAPLAIN ON THE BENGAL ESTABLISHMENT.

LAHORE:

AT THE CHRONICLE PRESS,

MDCCCLVII.

TO

THE RIGHT REVEREND

DANIEL WILSON, D. D.,

LORD BISHOP OF CALCUTTA AND METROPOLITAN

IN INDIA,

THIS LITTLE WORK IS MOST RESPECTFULLY INSCRIBED,

AS A SLIGHT TRIBUTE OF UNFEIGNED ESTEEM AND GRATITUDE:

THE FORMER

FOR HIS UNWEARIED AND WELL-DIRECTED EFFORTS FOR

THE EXTENSION OF CHRIST'S KINGDOM IN INDIA;

AND THE LATTER

FOR PERSONAL AND OFFICIAL FAVOURS

CONDESCENDINGLY AND CONSIDERATELY CONFERRED

BY HIS LORDSHIP ON THE COMPILER,

DURING A COURSE OF

MANY YEARS.

*

"The Right Honorable the Governor-General in Council thinks it the duty of Public Officers to make themselves acquainted with the Rules of the Service." *Finl. Dept. No.* 2589, 30 *May* 1856.

Addenda, Corrigenda & Delenda.

Page.	*Line.*	
vii	13	*For* Honourable the Court's *read* Honorable Court's.
14	5 (Marg.)	*For* 1857 *read* 1855.
,,	9 (Marg.)	*For* 1855 *read* 1836.
23	11	*For* with *read* will.
89	2	*For* erections *read* erection.
90	14	*Dele* that *between* and *and* in.
91	11	*Insert* them *between* inspects *and* on.
113	3	*For* forbiding *read* forbidding.
114	12	*For* even *read* ever.
146	5 (Marg.)	*For* 856 *read* 1856.
159	7	*For* that *read* the.
167	14	*Insert* a comma *and* to *between* seem *and* lead.
179	7	*For* confirm *read* conform.
187a		In the second heading of the "Register Book of Marriages," *for* Names of Parents *read* Names of Parties.
201	8 (Marg.)	*Insert* 315, *between* pp. *and* 317.
210	11	*For* exertiou *read* exertion.
214	5	*Insert* of *between* Form *and* Address.
222	11	*Dele* the *between* to *and* Ecclesiastical.
227	5 (Marg.)	*For* 8551 *read* 1855.
228	18	*For* eight *read* eighty.
229	10	*For* ever *read* even.

Addenda, Corrigenda & Delenda.—(*Continued.*)

Page.	*Line.*	
229	12	*Insert* the *between* on *and* trade.
230	17	*Dele* to *between* or *and* Natives.
231	1	*Insert* Houses, Boats, Equipages, Horses, Elephants, *between* Grounds *and* Plate.
232	3 (Marg.)	*For* 2 *read* 20.
,,	5 (Marg.)	*Dele* a.
244	2 (Note.)	*For* 1854 *read* 1847.
252	6 (Marg.)	*For* 1857 *read* 1856.
255	19	*Insert* for *after* but.
267	19	*For* aken *read* taken.
272	13 & 15	*For* from *read* for.
273	12	*Insert* not *between* do *and* intend.
275	13	*For* in *read* on.
,,	17	*For* 5th *read* 8th.
276	1 (Note)	*For* Station *read* Stations.
279	5 (Marg.)	*For* 9 *read* 29.
280	4 (Marg.)	*Insert* and 75 *after* 1.
281	11	*For* Rupeee *read* Rupees.
286	11	*Insert* the *between* to *and* Military.

There are *many* mistakes in the *punctuation* of the work, but it has not been thought necessary to swell the foregoing List with their insertion, as the reader will himself *readily* perceive them.

ADVERTISEMENT.

THIS little book is, as the title-page sets forth, a COMPILATION. In acquiring materials for it neither expense nor labour was spared, and upon the selection and arrangement of the materials, collected and adopted, a good deal of thought has been bestowed ; still the work, *undeniably*, presents a want of completeness and concatenation as regards subjects and details : however, by way of apology, the Compiler begs leave to say, that this has inevitably arisen from the fact of his having designed the production of nothing more than a *pocket-book*, which should comprehend such species and amount of information as would, if duly at-

tended to, be the means of preventing misapprehensions and mistakes, undue expectations and disappointments, as also disagreements and unpleasantnesses; and which should, further, appear almost invariably in the *ipsissimis verbis** of the Sources from which he might draw, and thus, (the references being duly given in the margin,) not only carry weight with it, but also obviate every doubt, which might otherwise arise, as to the safety and propriety of following the rules and directions therein contained, on the ground of the work having been composed by a *non-legal* and *unauthoritative* hand.

* It is right to notify in this place, that, with the view of causing his work to exhibit a typographical uniformity, and of drawing attention to points which he considered to be particularly worthy of being remembered the Compiler has employed capitals and italics in *very many* places of his "Extracts," where they will not be found in their *Originals*.

With respect to most of the Military Regulations and Orders which will be met with in his book, the Compiler deems it expedient to state, that they have been inserted because the Honorable the Court of Directors, in the very same Despatch in which they declare that their Chaplains are not Military Servants, do also signify, that they are, so far as may be consistent with the discharge of their spiritual duties, to act in unison with the wishes of the Military Authorities; and the Compiler assumed, that the plainest and surest way of obeying the Honourable the Court's implicative injunction would be, for his Brother-Chaplains and himself to observe, *quantum in illis esset*, all such authorized Military Rules as would have been clearly and strictly applicable to them had their condition been that of Military Chaplains.

Vide pp. 41 & 42 of this Work.

The Compiler feels that he should be guilty of ingratitude, at once most inexcusable and most damaging, if he omitted to mention, that his work, so far as relates to the Despatches of the Court of Directors and the Resolutions of the Supreme Government which are comprised there-in, could never have possessed the accuracy which it does, but for the very great kindness of the Most Noble the MARQUESS OF DALHOUSIE, who, in compliance with the Compiler's humble request, in November 1854, was graciously pleas-ed to grant him free permission to apply to the Se-cretary to the Government of India, in the Home Department, for whatever information he might require in order to the completion of his book.

It affords the Compiler great pleasure in having it in his power to say, that his work was not

undertaken without the knowledge and approvement of his Ecclesiastical Superiors ; for both the Lord Bishop of Calcutta and the Venerable the Archdeacon highly approved of his design, and, moreover, Archdeacon Pratt was, subsequently, good enough to put him iu possession of some very useful materials on practical points, for which acknowledgment is here generally and gratefully, and in the places of their respective insertion formally, made. But it would be disingenuous not to make known, that for nothing beyond the approving of the Compiler's design, and the aiding of its accomplishment to the extent just mentioned, and the matter of such of his Lordship's "Suggestions" as have been introduced, is either *Bishop Wilson* or *Archdeacon Pratt,* in the slightest degree, answerable.

Advertisement.

With what degree of success he has executed that which he designed, it is not for the Compiler to decide. But he trusts, that he will not be charged with arrogancy if he avows, that he entertains a most sanguine hope that experience will show, that his endeavour to supply what has long been considered a *desideratum* for the *Bengal Ecclesiastical Establishment*, has not been altogether ineffectual. And now, having expressed all that he wished to express, the Compiler will conclude with adopting the language of a Roman *master-writer*, and to each of his Brother-Chaplains saying,

> " *Vive ; vale. Si quid novisti rectius istis*
> *Candidus imperti ; si non, his utere mecum.*"

Anarkullee, Lahore, J. J. C.
9th June, 1857.

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BENGAL CHAPLAIN'S.

VADE-MECUM.

Chapter I.

Rules relating to the admission of Clergymen into the Service of the Honorable East India Company; and with whom the power of dismissing them rests.

" Candidates for appointments as Assistant Chaplains must have been two years in Orders, and must not exceed forty years of age; and at the time of appointment are required to produce their Letters of Orders, Deacon and Priest, as well as Testimonial, signed by three beneficed Clergymen, and a Medical Certificate."

Clark's East India Regist. p. xxxvii. *Lond.* 1856.

Law relating to India, p. 4. *Lond.* 1842.

"No such minister shall be sent by the Company to the East Indies, until he shall have been first approved of by the Archbishop of Canterbury, or the Bishop of London, for the time being." *Charter of William III. 5 Sept.* 1698.

Court of Directors' Desp. *Eccl.* Dept. 21 Jan. 1846.

"9. In respect to the qualification of the parties appointed, we can conceive no better security than that provided by the Legislature, in giving the ultimate approval of all Chaplains to the Archbishop of Canterbury or the Bishop of London."

Clark's East India Regist. p. xxxvii. *Lond.* 1856.

"Chaplains are required to enter into covenant, and to give a bond for £500 jointly with two sureties for the due fulfilment of the same."

Ibid.

"Chaplains are required to subscribe to the Military Fund, and must proceed

to their destination within six months from the date of the Court's Resolution by which they were nominated; and in failure thereof, without leave obtained from the Court, their appointments will lapse."

"Be it enacted, that nothing in this Act contained, shall take away the power of the said Court of Directors to remove or dismiss any of the officers or servants of the said Company, but that the said Court shall and may at all times have full liberty to remove or dismiss any of such officers or servants at their will and pleasure." 3 & 4 *William IV. cap.* 85, *sec.* lxxv.

Law relating to India. p. 428. *Lond.* 1842.

Chapter II.

Ecclesiastical Status of Chaplains.

Le Bas. Life of Bp. *Middleton,* vol. I. p. 496. *Lond.* 1831.

"The Chaplaincies in this country are not benefices in the strictest sense: but neither are they curacies, in which the curate is responsible to the incumbent: neither are they Military Chaplaincies, I conceive, otherwise than as Military persons, in many instances, constitute the chief part of the congregation." *Bp. Middleton's Letter to the Governor-General in Council,* 11*th Sept.* 1818.

Court of Directors' Desp. *Eccl.* Dept. 30 Oct. 1844.

"4. We have repeatedly stated that our Chaplains are not Incumbents of parishes or districts like those of England, and that consequently they do not possess the peculiar rights and privileges of that Class. They resemble Military and

Naval Chaplains, who are unbeneficed Clergymen, liable to be removed from place to place at the discretion of the Government."

" In order to avoid any misunderstanding for the future, we think it right to declare that our Chaplains are not Military Servants."

Court of Directors' Desp. *Eccl.* Dept. 21 Jan. 1846.

Chapter III.

Chaplains are under the jurisdiction of the Lord Bishop of Calcutta with respect to Ecclesiastical and Spiritual Matters.

" The Right Honorable the Governor-General in Council is pleased to declare and express, that, in conformity with the tenor of the above Letters Patent, [*granted by His Royal Highness the Prince Re-*

Government Gazette, Extraor. 16 Nov. 1815.

gent, on behalf of His Majesty, under date the 2nd May 1814,] the general control over all Clergymen of the United Church of England and Ireland attached to the several Presidencies in India, in Spiritual Matters, is transferred to the Lord Bishop, and that all such Clergymen throughout the diocese of the Lord Bishop are hereby directed and ordered to take notice of and conform to the same accordingly." *Notification of the Governor-General in Council, in the Public Department,* 1*st Nov.* 1815.

Government Gazette, Thurs. 14 Dec. 1815.

" Resolved, that the Secretary in the Military Department be directed to forward to the Public Department a complete compilation of the existing Rules and Orders for the guidance of the several

Chaplains, for the purpose of transmission to the Lord Bishop, for his information, and of enabling His Lordship to prepare such new Rules and Orders as he may deem expedient, for the better management of the Ecclesiastical Establishment confided to his charge by His Majesty's Letters Patent." *Proceedings of the Governor-General in Council, in the Public Department*, 1*st Nov.* 1815.

"8. The other complaints of the Clergy have reference to matters of Ecclesiastical discipline, of which we cannot take any cognizance." *Court of Directors'* Desp. *Eccl.* Dept. 31 July 1839.

"The *Rubric* and *Canons* of the United Church of England and Ireland have Bp. *Wilson's* Suggestion 5.

The *Suggestions* of Bp. Wilson, which appear in this Work, have been taken from the Edition of 1844.

the same force over the Clergy in India as they have in England. The Ecclesiastical Laws also, as well as the Statute Laws relating to spiritual persons, (except where limited as in the various Marriage Acts,) are equally binding. Nor has a Bishop any power to release the Clergy from any part of that obligation. The Clergy have only, therefore, to consult these authoritative rules in order to learn generally their duties."

Bp. *Wilson's* Suggestion 7.

"Where any of the practical details of the *Rubrics* or *Canons* have been modified on subordinate points by long practice and usage at home, and allowed and approved as such by the Bishops there, and the Bishops in India, such usages are not to be altered without the Bishop's appro-

bation. And where at last points of doubt arise, the Bishop's opinion must be taken and followed till the decision of the proper authorities at home can be received."

Chapter IV.

As regards Temporalities generally, Chaplains are under the direct orders and control of the Government of India, &c.

" The following Resolution, passed on the 27th ultimo by the Hon'ble the President in Council in communication with the Most Noble the Governor-General, is published for general information."

Govt. of India, Home Dept. 21 Aug. 1855.

" *Resolution.*—The Hon'ble the President in Council is of opinion that, in like

manner as the Military Establishment of the Presidency of Fort William in Bengal is, as a Service, immediately under the Governor-General of India in Council, to whom have been transferred, by Statute 17th and 18th Vic. cap 77, all the powers of the Governor of Bengal not for the time being transferred to one of the Lieutenant-Governors of either Division of that Presidency, so also all other Service Establishments of that Presidency, not being exclusively attached to one or other of those Divisions, ought to be, as Services, immediately under the Governor-General of India in Council."

"2. The President in Council is therefore pleased to resolve, that from henceforth the Civil Servants and the Chaplains

on the Bengal Establishment shall, as *Services,* be under the direct orders and control of the Governor-General of India in Council; and that all Orders affecting either class of Officers as Members of a Service, as distinguished from Orders incidental to their employment under any Local Government, shall emanate from the Government of India."

"2. The position of the Lieutenant-Governors administering the affairs of Bengal and of the North-Western Provinces undoubtedly differs, in several respects, from that of the Governors in Council of Madras and Bombay, and in conformity with the intention of the Legislature, and with our orders founded thereon, that you should exercise a positive control over the whole territory com- *Court of Directors'* Desp. *Publ.* Dept. 12 Dec. 1855.

prised within the Presidency of Bengal, we authorize you to receive and adjudicate on any cases which individuals may bring before you in appeal from the acts of the Lieutenant-Governors."

"3. It will, of course, be understood that the right of appeal to us may be exercised, as regards these cases, equally with those which are decided by your Government in the first instance."

Chapter V.

Grades of Chaplains ; their Rank and Promotion.

Court of Directors' Desp. 5 June 1805.

"25. We have resolved, that henceforward a gradation of rank shall take place in the Clerical Establishments at our several Presidencies, and that this shall be regulated by seniority of appointment."

"Para. 1. We have resolved, that the *rank* of Chaplains hereafter to be appointed, shall be determined by their *final departure for their destination,* as in the case of Cadets and Assistant Surgeons." *Court of Directors'* Desp. *Eccl.* Dept, 29 July 1840.

The rank of Assistant Chaplains receiving their appointments in India, dates from the *time of departure of the despatch* advising the appointment. *Court of Directors'* Desp. *Eccl.* Dept. 30 *April* 1856, Comm. by Adn. *Pratt.*

In the Royal Warrant, dated 10th January 1857, in which "the Rank and Precedence of Persons holding appointments in the East Indies" are fixed, the following appears :—

"Chaplains to rank with Civilians of the fourth Class and Majors." *Calcutta Gazette,* May 13, 1857, p. 791.

*

"Assistant Chaplains to rank with Civilians of the fifth Class and Captains."

Vide *Govt. of India*, Res. *Home Dep.* 27 July 1857.

His Honor in Council determines, that the Government of India, in the Home Department, shall regulate the promotion of Chaplains from the rank of Assistant to that of full Chaplain.

Court of Directors' Desp. *Eccl.* Dept. 31 Aug 1855.

"The Assistant Chaplains will succeed to the higher rank and the higher rate of salary according to seniority as vacancies occur in the Superior Class."

Court of Directors' Desp. *Eccl.* Dept. 11 Jan. 1854.

"Para. 5. Secondly. As to the proportion of Chaplains and Assistant Chaplains. When the Ecclesiastical Establishment was remodelled in the year 1836, the complement was fixed at 49, the proportion being 19 full Chaplains to 30 Assistant Chaplains. Since that time the Establish-

ment has at various periods been augmented to its present complement of 63."

" 7. There are two Senior Chaplains in each Presidency whose salary is on a different scale from that of the general body of Chaplains. At Madras and Bombay, after omitting the two Seniors, the Chaplains are in the proportion of $\frac{1}{3}$ and the Assistant Chaplains of $\frac{2}{3}$ of the remaining body of the Clergy. And we think it very convenient to maintain this proportion in those Presidencies, and also to adopt the same proportion at Bengal. In order to attain this end, and at the same time to make an addition to the Establishment as you have proposed, it will be necessary to promote 3 Assistant Chaplains to be Chaplains, and to add 5 Assis-

tant Chaplains to the number that will then remain. The Establishment for Bengal will then be :—

2 Senior Chaplains,
22 Chaplains,
44 Assistant Chaplains,

in all 68."

" 8. If any further augmentation should be found necessary, we shall be disposed to order it, by adding Chaplains and Assistant Chaplains in the proportion of one Chaplain to two Assistant Chaplains."

Chapter VI.

Duties of Chaplains on arrival in India.

Govt. of India, Res. *Home* Dept.

" His Honor [the President] in Council determines, that in future the ar-

rival of newly appointed Civil Servants and Chaplains shall be reported to, and notified by, the Government of India in this [the Home] Department." 27 July 1855.

Precedents.

In reporting himself to the Secretary to the Government of India, a Chaplain is to mention the day on which the Ship by which he arrived left Gravesend, and also the date of the Pilot being taken on board at the Sand-Heads. By the former his rank is determined, and the latter marks the commencement of his Indian service.

Government Gazette, 14 Dec. 1815.

"Resolved, that all Clergymen appointed in future to the situation of Chaplain on the Establishments of the respective Presidencies, do, immediately on their arrival in India, report themselves

to the Lord Bishop, or, in his absence, to the Archdeacon of the Presidency at which such Clergyman may arrive."

Bp. *Wilson's* 10th Sugges-tion.

"The Archdeacon, or Commissary, having received the Chaplain's name, his academical degree, if any, his letters of orders, his nomination or appointment, and such other testimonials as he may have brought with him, will then appoint a day for him to attend to make the usual subscriptions, and take the necessary oaths previous to his being licensed."*

* "The intended effect of licensing a Clergyman is to place him under the jurisdiction of his diocesan. .... Every Clergyman, previously to his being licensed, takes an oath of canonical obedience to the Bishop and his successors; and canonical obedience is understood to extend to all matters connected with canonical duties." *Le Bas's* Life of Bp. *Middleton*, vol i. pp. 139, 140. *Lond.* 1831.

"Every Clergyman preaches once at the Cathedral after his licence, and before he proceeds to the discharge of his regular duties." Bp. *Wilson's* 12th Suggestion.

"If the Bishop be absent on visitation, the Chaplain will report his arrival also to him by letter; as well as the time of his leaving Calcutta, if appointed to a Mofussil Station." Bp. *Wilson's* 11th Suggestion.

Every Chaplain is to report his arrival to the Civil Auditor, as also to the Secretaries to the Bengal Military Fund and the Bengal Military Orphan Society, respectively. *Precedents.*

Chapter VII.

The Calcutta Gazette *is the Official Organ of Notifications of Appointments, &c.*

Supreme Govt. Res. *Genl.* Dept. 2 Oct. 1832.

"The following Resolutions, passed by the Hon'ble the Vice President in Council, are published for the information and guidance of the Public Officers of Government."

"Resolved. First. That the *Gazette* shall, from the 1st Proximo, be, and be deemed the Official Organ for all Notices of Appointments to and Removals from Civil Offices, temporary as well as permanent, also of Leaves of Absence and of the dates when the same are to take effect, also of Orders to join Stations and of returns from Sea, of Furlough to Europe, Resignations of the Service, and

other similar occurrences, the announcement of which regulates the payment of Salaries, the assumption or vacating of Office, or any other advantage or privilege incident to the Public Employ."

"Second. The Superintendent of the *Gazette* will publish no intimation of the above description without an authority for the same under the signature of a Secretary, or Deputy Secretary, to Government for the time being, and the announcements of each week will be communicated by the Secretary of each Department, and must be published with his signature."

Chapter VIII.

Location of Chaplains.

Vide *Le Bas's* Life of Bp. *Middleton*, vol. i. p. 496 *Lond.* 1831.

The nomination of Chaplains to Stations is a part of the patronage of the Honorable the Court of Directors, and, as such, is delegated to the Local Governments.

Court of Directors' Desp. *Eccl.* Dept. 31 Aug. 1836.

"The location of the Chaplains under the new arrangement will be best regulated by reference to the opinion of the Lord Bishop."

Court of Directors' Desp. *Eccl.* Dept. 30 Oct. 1844.

"We desire that the Bishops may be consulted previously to the nomination of Chaplains to Stations, no less with the view of promoting amicable feelings between the Civil and Ecclesiastical Authorities than of securing the most suitable appointments for the vacancies; but the

nomination and appointment of the Chaplains must rest with the Government."

" No applications for change of Station are to be made without grave and important reasons, and then direct through the Bishop, or Archdeacon, to Government, and not by private correspondence with other Chaplains or Civil and Military Officers. Such irregular correspondence, if known, will at once put a bar to the desired change."

Bp. *Wilson's* 95th Suggestion.

" As far as is practicable, each Chaplain will have an equal share of easy and more laborious Stations."

Bp. *Wilson's* 96th Suggestion.

" You are authorized in our Despatch of the 31st July, No, 2 of 1839, to select the five Presidency Chaplains from the seventeen senior Chaplains with all due

Court of Directors' Desp. *Eccl.* Dept. 26 Oct. 1842.

regard to seniority. The addition of the two Chaplains for the new Cathedral will raise the number of Presidency Chaplains to seven, whom you will continue to select from the seventeen senior Chaplains as directed in that Despatch."

"We authorize you to accede to the suggestion of the Lord Bishop* with regard to the appointment of successors to the present incumbents in the Cathedral; but we cannot permit any change to take place with regard to the present incumbents."

Court of Directors' Desp.

"Although we have desired that senior

* The suggestion was, that the Cathedral Chaplains should henceforth be chosen from the whole nineteen full Chaplains, and not necessarily be the two Seniors; but that the two Seniors, wherever stationed, should still, as heretofore, have the salaries due to their rank, as the first or second on the list of Chaplains.

Chaplains only shall be employed at the Presidency, yet in cases in which this rule cannot be observed, and you are satisfied that the employment of an Assistant Chaplain is unavoidable, and in such cases only, we sanction the allowance of such an amount of house rent as you may deem necessary, to save the incumbent from actual loss by his removal to the Presidency, but we desire that any arrangement of this sort may be only considered as temporary, and that it shall cease whenever a senior Chaplain can be found to take the duty." *Eccl.* Dept. 4 June 1851. Comm. by Adn. *Pratt.*

"The following revised distribution of the Districts for regulating the charges and duties of the Chaplains in Calcutta, as laid down by the Right Revd. Daniel, *Calcutta Gazette,* 4 Sept. 1847.

Lord Bishop of Calcutta and Metropolitan in India, and submitted by his Lordship for the approbation of the Deputy Governor of Bengal, having received the sanction of His Honor, is published for general information."

" The *Old*, or *Mission*, *Church* District will be bounded in future on the East by Wellington Street, College Street, Hurry Ghose Street, Simla Street; on the West by the River; on the South by Hare Street, Mangoe Lane, Emaumbara Street, and Emaumbaug Lane; and on the North by the Upper Circular Road."

" *St. John's* District, on the East by Wellesley Street; West by the River; South by the Esplanade as far as Park Street, and by Park Street as far as Wel-

lesley Street; and North by Hare Street, Mangoe Lane, Emaumbara Street, and Emaumbaug Lane."

"*St. James'* District, on the North and East by the Circular Road; West by Simla Street, Wellington Street, and Wellesley Street; and South by Park Street."

St. Paul's District, on the East by the Circular Road; West by the Chowringhee and Diagonal Roads; South by the Circular Road as far as Allipore Bridge; and North by Park Street."

"The following alterations in the Ecclesiastical Division of Calcutta having been suggested by the Bishop, and approved by the Government, are published for general information." *Calcutta Gazette,* 18 July 1849.

"That portion of the Suburbs to the East of the Circular Road and of St. James' District as at present comprised, to be part of, and belong in addition to, *Saint James'* District."

"The Suburbs East and South of Saint Paul's District as far as Tolly's Nullah on the West, to belong in addition to the District of *Saint Paul's*."

"The District of the New Church of *Saint Stephen's, Kidderpore,* to include Kidderpore, Garden Reach, and the parts of Allipore South and West of Tolly's Nullah, the Coolie Bazar, and all the portion thence as far as Allipore Bridge North of the said Nullah."

Vide Letter of *Govt. of Bengal,* No.

The terms "Senior" and "Junior" in the appointments of two Chaplains to

the same Church will be henceforth discontinued: each Chaplain taking his place, as Senior or Junior, according to his standing in the List of Chaplains and Assistant Chaplains.

53, 20 Feb. 1857, to Adn. *Pratt*, and Comm. by him.

The terms "Senior Presidency Chaplain" and "Junior Presidency Chaplain" will be henceforth dropped; as the practice of appointing the two Seniors, (or first two Chaplains on the List,) to the Presidency, as a matter of course, has, for some time, ceased.

Ibid.

Chapter IX.

Time allowed and Allowances granted to Chaplains for joining a Station.

"We concur with you in considering that, (as in the case of Civil Servants,) a period of one, two or three months ac-

Court of Directors' Desp. *Finl.* Dept. 5 Sept. 1855.

cording as the distance to be travelled may not exceed 300 or 600 miles, or be in excess of the distance last mentioned, is sufficient to allow to Chaplains and Assistant Chaplains on the occasion of their appointment to any new Station."

New Civil Absentee Rules, Sec. xx.

"Officers not joining their Station within the said periods, respectively, shall forfeit their salary for the time delayed in excess of the above periods, and if such excess shall exceed one month, the office shall be vacated, unless otherwise specially ordered by Government."

New Civil Absentee Rules, Note to Sec. xx.

"The time allowed for joining is computed from the date of the Order reaching the Officer appointed."

Agra Civil Auditor's Ma-

"The date of departure from Calcutta is reckoned from the date of being attach-

ed to the North-Western Provinces, and not from the date of appointment by the Lieutenant-Governor to some particular Station." The Rule immediately preceding applies to this, as regards the *receipt* of the Order.

nual, Art. 172. *Agra,* 1853.

"The practice observed by the Civil Auditor in the North-Western Provinces, in calculating the period allowed to a Chaplain or Assistant Chaplain after arrival in India for joining his Station, appears to be quite correct."

Govt. of India. Letter to *Govt. N. W. P. Finl.* Dept. 5 Sept. 1844.

In the case of a Joint-Chaplaincy, as Jhelum and Murree, the authorized travelling time of one month for a distance not exceeding 300 miles, is allowed for going from one Station to the other.

Vide Letter of the *Agra Civil Auditor,* No. 778, 10 Aug. 1854.

Govt. of India. Res. *Finl.* Dept. 21 Dec. 1855.

"The Most Noble the Governor-General in Council remarks, with reference to the last mentioned question," (of travelling allowances to Chaplains when visiting Out-stations in the discharge of their clerical duties,) " and to the question of travelling allowances of Chaplains and Assistant Chaplains transferred from one Station to another by order of Government, and in regard to the Revd. Mr.———'s enquiry whether Chaplains and Assistant Chaplains should be allowed Tentage and Boat-Allowance as Military Servants, that the New Absentee Rules place Chaplains on the same footing as Military Servants in respect to all kinds of *leave* only, not in respect to travelling or other allowances, which are regulated by the Rule cited in

the Margin (the only existing Rule) by which Chaplains or Assistant Chaplains are entitled on their transfer by order of Government from one Station to another, to travelling allowance at eight annas per mile by the direct Post Road according to the Polymetrical Tables of the Post Office."

Civil Absentee Rules

17th May, 1843.

Art. xxvii. On joining a Station in the interior after arrival in India, a Chaplain or Assistant Chaplain will be allowed the same rate of travelling charges, and be subjected to the same rules in respect to joining his Station as a Civil Servant. On any subsequent transfer from one Station to another, the same allowance will be made if the transfer take place not at the desire of the Chaplain removed, but by order of Government.

"When attached to the Camp of the Governor-General, Ecclesiastical Officers are entitled to a marching allowance of Rs. 150 per month, and to travelling al-

Agra Civil Auditor's Manual, Art, 77. *Agra,* 1853.

lowance at the established rate, for going from and returning to their Stations."

Vide *Agra Civil Auditor's* Manual, Art. 77 *a. Agra,* 1853.

As a general rule, travelling allowance is to be drawn by a Chaplain or Assistant Chaplain on his arrival at his Station, and not before it.

The two following are exceptions to the above general rule.

Govt. of India. Letter No. 2978, 4 Nov. 1853, to Adn. *Pratt,* and Comm. by him.

" Instructions have been issued to the Civil Auditor and the Sub-Treasurer to allow the Revd.———to draw his Salary for October last in advance, and also his travelling allowance as far as Allahabad on his way to Peshawur."

Govt. of India. Letter No. 319, 16 Feb. 1855, to Mr. Commy. *Fish-*

"The necessary orders have been issued to the Sub-Treasurer to pay to the Revd. ———in advance, the usual passage money, viz. Company's Rupees 500, to

enable him to join his appointment at Singapore, together with his Salary for the current month, on presentation of his bills, duly audited, at the General Treasury."

er, Comm. by Adn. *Pratt*.

Assistant Chaplains receiving their appointments in India, draw travelling allowance on joining their first Station according to the following principle. "Under Section VII para. 56 of the Pay and Audit Regulations, it appears that Military Officers in India on receiving their Commissions are only entitled to boat" (in this case travelling) "allowance from the place of their residence at the time they receive public intimation of their appointment, to the Station where their Corps may be located."

Vide Letter of the *Govt. N. W. P.* No. 78, 9 Jan. 1856, to Mr. Commissary *Fisher*, Comm. by Adn. *Pratt*.

Agra Civil Auditor's Manual, Art. 77 *b. Agra,* 1853.

"Chaplains and Assistant Chaplains are not entitled to travelling allowance on joining a first appointment after return from Furlough."

Vide Ress. of *Govt. of India. Finl.* Dept. 4 July 1856 and 18 Aug. 1855.

The only ground upon which a Chaplain or Assistant Chaplain who is transferred from one Station to another, is *entitled* to travelling allowance, is that of the transfer having taken place for the convenience and by the order of Government. Consequently, those Chaplains and Assistant Chaplains who are removed at their own request to another Station, (whether the Station be in the Hills or the Plains,) will *not get* the allowance; nor, again, will they, who are permitted to exchange appointments to suit their mutual and private convenience.

Travelling-allowance bills of Chaplains and Assistant Chaplains when removed from one Station to another, must be accompanied with the prescribed Certificate that the change did not take place at their own request.

Vide Letter of *Govt. of Bengal, Eccl.* No. 183, 7 Aug. 1855, and Letter of *Govt. N. W. P. Finl.* No. 2608, 3 Sept. 1855.

The time allowed for joining a new Station, cannot be preceded by, and in continuation of, privilege leave. In order to secure the indulgence of both the latter and the former, a Chaplain, or Assistant Chaplain, must return to the Station at which he was when the leave was granted to him.

Vide Res. of *Govt. of India, Finl.* Dept. 30 May 1856.

Chapter X.

Duties of Chaplains on joining a Station.

When a Chaplain joins his Station he must report his arrival to the Archdeacon,

Vide Bp. *Wilson's* 14th Suggestion.

all the [illegible] Conservative on the manifest— theory that the Chaplains are the natural enemies of their Employers — carrying - [illegible] suspecting

and to the Chief Military Authority resident at the Station itself.

Bp. *Wilson's* 15th Suggestion.

"The Bishop's (or Commissary's) licence is to be read by the Chaplain together with the 39 Articles, and the Declaration of Conformity to the Liturgy of the United Church of England and Ireland, immediately after the 2nd Lesson in the Morning or Evening Service, within the first month of his entering on his duties at the Station to which he is first appointed; and the date entered in the Record-Book. If illness prevent his doing this within the first month, then he will do it, so soon as he is able."

Bp. *Wilson's* 17th Suggestion.

"Each Chaplain will acquire, as early as possible after his arrival, some knowledge of the Vernacular language of the

Nothing like this should be done to encourage the notion already entertained that the Mil. have any right or power of controlling the Chaplains - If they have it, they attend Ch: not as hearers but as Critics - commanding the Chaplain & ordering (vide Queen's Reg.) to see that the Sermon is in their opinion fitted for the Soldiers (length & kind) —

If Mil. discipline demands it, let it be done & give us an opportunity of departure.

Station where he is appointed, in order that he may instruct the Christian Drummers and Fifers of the Native Regiments, and their families, who are imperfectly acquainted with English."

The foregoing *Suggestion* is founded on the following Section of the Charter of William III. dated 5th September 1698.

" And we do further will and appoint, that all such Ministers as shall be sent to reside in India as aforesaid, shall be obliged to learn the Portuguese language, and shall apply themselves to learn the Native language of the country where they shall reside, the better to enable them to instruct the Gentoos, that shall be the servants of the same Company or of their agents, in the Protestant religion."

Law relating to India, p. 4. *Lond.* 1842.

Supreme Govt. Res. *Eccl.* Dept. 31 May 1831.

" Any Chaplain who may be removed from his Station to another, shall report to the Civil Auditor the dates of his departure from the one, and of his arrival at the other ; and the Civil Auditor is restricted from passing the bill of any Chaplain appointed to a new Station for the allowances belonging to such Station, (without the special orders of Government,) until he shall have received a report of his arrival at the place of his appointment."

Chapter XI.

The position of Chaplains relatively with Military Authorities, &c.

Court of Directors' Desp. *Eccl.* Dept. 21 Jan. 1846.

" Para. 3. We entirely agree with your Government that the Bishop of Bombay has taken a correct view of the po-

sition of our Chaplains in relation to Military Authorities, which, indeed, is in accordance with the terms of our Despatch, (quoted by his Lordship,) dated the 23rd May 1827, when replying to a reference made to us, relative to the extent to which the Chaplains were to be held responsible to the Military Authorities."

"4. The Court's attention has been frequently called to disagreements between the Chaplains and Military Officers in India, and although, in some cases, the former have been censured, no opinion has been expressed in opposition to the Despatch above referred to. Moreover, the omission of Chaplains in the enumerated classes of persons to whom the Mutiny Act is made applicable, would prevent

their conduct being subjected to investigation before Military Tribunals."

"5. Again, in the Code of Regulations affecting Chaplains no reference is made to submission to Military Authorities. All orders or instructions emanate from the Government, the Bishop being the channel of communication."

"6. In order to avoid any misunderstanding for the future, we think it right to declare, that our Chaplains are not Military Servants; at the same time it cannot be too strongly impressed upon them, that when attached to Military Stations they are expected to consult the Military Authorities, and act in unison with their wishes as far as may be consistent with the discharge of their own Spiritual duties."

"It is the concurrent opinion of the Registrar" [*of the Supreme Court*] "and Sir William Casement, the Military Secretary to Government, that the effects of the late Reverend R. Arnold" [Chaplain of Cuttack] "should have been taken charge of by the Civil Court, and that the interference of the Military Authorities was illegal."

Letter of *Bengal Govt.* to Adn. *Dealtry*, 26 June 1839. Comm. by Adn. *Pratt.*

"It is expected that the Chaplains will receive from all Persons that Respect which is due to their Rank and Profession: but in order that their exertions may be attended with all the beneficial consequences which they are expected to produce and maintain, the General and other Officers in Command, are personally to enforce the Regulations which

The Queen's Regulations and Orders, p. 217. *Lond.* 1844.

are established for the performance of the Religious duties of the Army."

Letter of *Govt. of India* to Bp. *Wilson*, 19 Aug. 1835. Comm. by Adn. *Pratt*.

" Army discipline requires that public meetings at a Military Cantonment should not be assembled without the knowledge and sanction of the Commandant; and the exercise of interference must, on grounds of general expediency, be left to his discretion."

Chapter XII.

Observance of the Lord's Day.

Canon xiii.

" All manner of persons within the Church of England shall from henceforth celebrate and keep the Lord's Day, commonly called Sunday, according to God's holy will and pleasure, and the orders of the Church of England prescribed in that behalf."

Many the encroachments made on the position of the Chaplains that no Chaplain ... would have to make any such representation —

" The keeping one day in seven holy, as a time of relaxation and refreshment as well as for Public Worship, is of admirable service to a State, considered merely as a civil institution. .... It imprints on the minds of the people that sense of their duty to GOD, so necessary to make them good citizens : but which yet would be worn out and defaced by unremitted continuance of labour, without any stated times of recalling them to the worship of their Maker. And therefore the laws of King Athelstan forbad all merchandizing on the LORD'S Day, under very severe penalties." *Blackstone's* Com. *Stewart's* Ed. vol. iv, p. 70. *Lond.* 1854.

" Should shops be opened on the Lord's Day, a Chaplain is to make the same known (according as the case may be of Bp. *Wilson'* 85th Suggestion.

a Civil or Military nature) to the Commanding Officer or Senior Civil Servant or Magistrate, in writing, and request his interference to prevent, if possible, such irregularity; and, in the event of such complaints not being duly noticed by the Commanding Officer or Senior Civil Servant or Magistrate, he is to forward a copy of his complaints to the Archdeacon, that further measures may be taken."

Gov. General's Order, *Home* Dept. 12 Jan. 1847.

"The Governor-General is pleased to direct, that all Public Works carried on, by order of Government, whether under the direction of its own Officers, or through the agency of Contractors, shall be discontinued on the Sunday."

"Cases of urgent necessity, in which delay would be detrimental to the Public

Service, are to be considered as cases of exception, and all such cases will be immediately reported to the Military Board* for their special orders, and for the information of Government. The Officer in charge of the work will act on his own discretion, when delay in waiting for the sanction of the Board would be attended with injurious consequences."

"The cessation of work on the Sunday shall be an understood condition in all future contracts for Public Works, whether an express provision to that effect be inserted in the deed of contract or not. No claim therefore of addition to the amount of contract on account of the suspension of labour on Sundays, shall be admitted

* Now to the Chief Engineer of the Division of the Presidency, or of the Province.

in reference to any engagements executed subsequently to the date of this notification."

"An order to this effect has been enforced since January 1843, by the Bombay Government, and the Governor-General has much satisfaction in extending the rule which it enjoins to the other Presidencies subordinate to the Government of India."

Chapter XIII.
Public Worship.

"All Ministers shall observe the Orders, Rites, and Ceremonies prescribed in the Book of Common Prayer, as well in reading the Holy Scriptures, and saying of Prayers, as in administration of the Sacraments, without either diminishing in regard of preaching, or in any other respect, or adding any thing in the matter or form thereof." *Canon** xiv.

"Uniformity in Public Worship is one of the leading principles of the Church *Rogers's* Eccl. Law, pp. 832,

* The *Canons*, which appear in this Work, are those which were "made in the Convocation of the Province of Canterbury in the year 1603, and ratified by the King for himself, his heirs and successors. With regard to the authority of these *Canons*, it has been said, that though the *Canons* of 1640 have been questioned, no doubt ever existed about those of 1603. It seems to be universally admitted that all the Clergy are bound by these *Canons*, though confirmed by the King only." *Rogers's Eccl. Law, pp.* 132,133.

833. *Lond.* 1849. of England, nothing is left to the opinion of individuals; if every Minister were to alter, omit, or add, according to his own taste, he might, from beginning with trifling changes, extend his views to alterations of even the Scriptures themselves, under a notion of giving a more correct version. *Per Lord Stowell.*"

"In *Burnett* v. *Bonaker*, it was held that the Church Service, according to the form prescribed in the Book of Common Prayer, is to be regularly performed every Sunday in the Morning and Evening. If less duty is required, any relaxation must be adopted with the approbation of the Diocesan, who is to judge of the degree to be allowed, and the Minister must strictly adhere to the terms prescribed, and not vary them for his own convenience."

"By 1 & 2 *Vict. c.* 106, *s.* 60, Bishops may order that there shall be two full Services on every Sunday throughout, or during part of, the year; each, if so directed, to include a Sermon or a Lecture."

"His Grace the late Archbishop of Canterbury's [Dr. *Howley's*,] advice in his Charge of September 1840, the Bishop wishes to be implicitly followed in this Diocese: 'In the celebration of Divine Service, the introduction of novelties, and even the revival of usages, which, having grown obsolete, have the appearance of novelties to the ignorant, may occasion dissatisfaction, dissension and controversy. In cases of this nature it may be better to forego even advantageous changes, than to open fresh sources of misapprehension or strife by singularity' Page 36."

Bp. *Wilson's* 8th Suggestion.

Bp. *Wilson's* 25th Suggestion.

"Every Chaplain is to perform Divine Service every Sunday Morning to the Europeans, Civil and Military, residing in his Station; when the Morning Prayer is to be read as at home, and a Sermon to be preached. The Evening Prayer also is to be constantly read, and a Sermon preached except when a Catechetical Lecture is substituted."

Bp *Wilson's* 35th Suggestion.

"The Bishop is unfavourable to begining Morning Prayer by singing a Psalm or Hymn, because, in addition to its not being authorized by the *Rubric,* it lengthens the Service without absolute necessity."

The discriminative decision of Sir *J. Nicholl,* contained in the following paragraph, is worthy of being borne in mind.

"In *Newberry* v. *Goodwin*, the fourth article pleaded, that on the preceding Sunday the defendant (the Clergyman officiating) omitted a part of a verse in the first lesson, and then looked round to the pew of the plaintiff, and said, 'I 'have been accused by some ill-natured 'neighbours of making alterations in the 'Service: I have done so now, and shall 'do so again whenever I think it neces-'sary, therefore mark.' Sir *J. Nicholl* observed, 'the omission seems to have 'been made not from feelings of delicacy 'which, though not a legal justification, 'would greatly extenuate the omission; 'but for the purpose of asserting a general 'right, and even of reflecting upon those 'who questioned the general right. If this 'article should be proved, it will subject

Rogers's Eccl. Law, pp. 832, 833 and 834. *Lond.* 1849.

'the party to admonition, and the pay-'ment of costs.'"

"The *Rubric* directs the manner of Church Service, yet many matters are left to the discretion of the Minister, subject to the Ordinary. In *Hutchins* v. *Denziloe and another*, it was decided, that although by general *usage* chanting parts of the Service is limited to Cathedrals, yet, in point of Law, there was nothing to prevent the singing or chanting a part of the Service in a parochial Church; a Clergyman therefore, who had directed it to be done, had been guilty of nothing irregular, though the discretion of such an order might, perhaps, be *questionable*, but an interference and countermand by the Church-wardens was illegal, and punishable."

"The alteration of the State-terms in the Prayer for the Parliament to adapt it to British India, has been submitted to the Archbishop, and formal sanction will be legally obtained, if such should be judged necessary."

Bp. *Wilson's* 32d, 79th, 81st and 35th Suggestions.

"All practicable attention is to be paid to the Seasons set apart for Fasts and Festivals, and other Solemnities of the Church; and particularly to the Holy Week, commonly called Passion Week, and the Ember Seasons."

"Chaplains will also be very regular in using the Prayer appointed for the Ember Days in their Seasons."

"The Bishop has no power to authorize the introduction of Hymns, excepting those authorized and given in the Book of

Common Prayer, though the practice has, he is well aware, long prevailed at home and in India."

Canon liii. "If any Preacher shall in the Pulpit particularly, or namely of purpose, impugn or confute any doctrine delivered by any other Preacher in the same Church, or in any Church near adjoining, before he hath acquainted the Bishop of the Diocese therewith, and received order from him what to do in that case, because upon such public dissenting and contradicting there may grow much offence and disquietness unto the people; the Church-wardens, or party grieved, shall forthwith signify the same to the said Bishop...; who shall with all convenient speed so proceed therein, that public satisfaction may be made

in the congregation where the offence was given. Provided, that if either of the parties offending do appeal, he shall not be suffered to preach *pendente lite.*"

With regard to maintaining and affirming doctrines contrary to the 39 Articles, it is enacted, by the Statute of the 13 *Eliz. c.* 12, *s.* 2, "'If any person ecclesiastical, or which shall have ecclesiastical living, shall advisedly maintain or affirm any doctrine directly contrary or repugnant to any of the said Articles, and being convened before the Bishop of the Diocese, or the Ordinary, shall persist therein, or not revoke his error, or after such revocation eftsoons affirm such untrue doctrine, he shall by such Bishop or Ordinary be deprived of his ecclesiastical promotions.'"

Burn's Eccl. Law, *Phillimore's* Ed. vol. i. pp. 105, 105*b*& 105*c*. *Lond.* 1842.

"It is the idlest of all conceits, that this [13 *Eliz.* c. 12] is an obsolete act; it is in daily use '*viridi observantiâ,*' and as much in force as any in the whole Statute Book, and repeatedly recommended to our attention by the injunctions of almost every Sovereign who has held the sceptre of these [the British] realms. It is no business of mine, in this place, to vindicate the policy of any Legislative Act, but to enforce the observance of it. I cannot omit, however, to observe, that it is essential to the nature of every Establishment, and necessary for the preservation of the interests of the Laity, as well as of the Clergy, that the preaching diversity of opinions shall not be fed out of the appointments of the Established Church;

since the Church itself would otherwise be overwhelmed with the variety of opinion, which must, in the great mass of human character, arise out of the infirmity of our common nature. For this purpose, it has been deemed expedient to the best interests of Christianity, that there should be an appointed Liturgy, to which the Offices of Public Worship should conform; and as to preaching, that it should be according to those doctrines which the State has adopted, as the rational expositions of the Christian Faith. It is of the utmost importance that this system should be maintained. For what would be the state and condition of Public Worship, if every man was at liberty to preach, from the pulpit of the Church, whatever doctrines he may think proper to

hold? Miserable would be the condition of the Laity if any such pretension could be maintained by the Clergy."

"That any Clergyman should assume the liberty of inculcating his own private opinions, in direct opposition to the doctrines of the Established Church, in a place set apart for its own Public Worship, is not more contrary to the nature of a National Church than to all honest and rational conduct. Nor is this restraint inconsistent with Christian liberty; for to what purpose is it directed, but to ensure, in the Established Church, that uniformity which tends to edification; leaving individuals to go elsewhere according to the private persuasions they may entertain." *Per Lord Stowell.*

"No man shall cover his head in the Church or Chapel in the time of Divine Service, except he have some infirmity; in which case let him wear a night-cap or coif.... None, either man, woman, or child, of what calling soever, shall disturb the Service or Sermon, by walking talking, or any other way; nor depart out of the Church during the time of Service or Sermon, without some urgent or reasonable cause." *Canon* xviii.

"The Church-wardens or Quest men, and their assistants, shall not suffer any idle persons to abide either in the Church-yard, or Church-porch, during the time of Divine Service, or Preaching; but shall cause them either to come in, or to depart." *Canon* xix.

Gibson's Codex, p. 304. *Oxf.* 1761.

"In the case of *Glover* and *Hind*, where an Action of Trespass of Assault and Battery was brought, for laying hands on the Disturber, it was declared by the Court, that at *Common-Law*, a Person disturbing Divine Service might be removed by any other Person there present, as being all concerned in the Service of GOD, that was then performing; so that the Disturber was a Nuisance to them all, and might be removed by the same rule of Law that allows a Man to abate a Nuisance."

Bp. *Wilson's* 25th Suggestion.

"The Holy Communion should be administered at least monthly."

Canon xxvi.

"No Minister shall in any wise admit to the receiving of the Holy Communion, any of his cure or flock, which be openly known to live in sin notorious

without repentance; nor any who have maliciously and openly contended with their neighbours, until they shall be reconciled."

"No Minister, when he celebrateth the Communion, shall wittingly administer the same to any but to such as kneel, under the pain of suspension." *Canon* xxvii.

"Every Minister, as oft as he administereth the Communion, shall first receive that Sacrament himself. Furthermore, no Bread or Wine newly brought shall be used; but first the words of Institution shall be rehearsed, when the said Bread and Wine be present upon the Communion-table. Likewise the Minister shall deliver both the Bread and the Wine to every Communicant severally." *Canon* xxi.

"It is most requisite that the Minister *Cardwell's*

Conferences, p. 354. *Oxf.* 1849.

deliver the Bread and Wine into every particular Communicant's hand, and repeat the words in the singular number ; for so much as it is the propriety of Sacraments to make particular obsignation to each believer, and it is our visible profession,

Heb. ii. 9.

that, by the Grace of GOD, CHRIST tasted death for *every* man." *Answer of the Bishops to the exceptions of the Ministers at the Savoy Conference.*

Bp. *Wilson's* 34th Suggestion.

"The Alms collected at the Holy Communion are to be distributed by the Reverend Chaplains to the Christian Poor amongst the Communicants or Congregation ; and if there be none such, then to some charitable Christian object."

Supreme Govt. Eccl. Dept. 17 Feb. 1834.

"The following Rules are published for the information and guidance of Chaplains at Military Stations :"

"1. Commanding Officers, in concurrence with the Chaplain, will fix the time for performing Divine Service on Sundays."

"It is obvious that the Commanding Officer must be permitted to name the hour of Divine Service, supposing always that he will not name an hour which is altogether irregular and uncanonical; the preservation of Military discipline seems in all cases to reserve this right to the Officer Commanding; and in this climate, especially, a due regard to the health of the Troops, makes it indispensable that the hour of Service should be fixed by himself." *Bp. Middleton's Letter to Adn. Barnes,* 5 *July* 1817.

Le Bas's Life of Bp. *Middleton,* vol. i. pp. 413, 414. *Lond.* 1831.

"10. The children belonging to Regimental Schools are to be required to at-

The Queen's Regulations

and Orders, pp. 214, 219. *Lond.* 1844.

tend Divine Service with the Troops, under the care of the Serjeant-Schoolmaster and of the Schoolmistress."

"13. Commanding Officers of Regiments are to be particularly attentive that no Soldier, being a Roman Catholic, or of any Religious persuasion differing from the Established Church, shall be compelled to attend the Divine Worship of the Church of England, but that every Soldier shall be at full liberty to attend the Worship of Almighty God according to the Forms prescribed by his own Religion, when Military Duty does not interfere."

Bp. *Wilson's* 30th and 98th Suggestions.

"The Bishop need scarcely remind the Reverend Chaplains, that no one is allowed to officiate in the Churches or places ordinarily used for Divine Service, except

those who are duly ordained in the Episcopal Reformed Church of England and Ireland, and are acting under the Bishop's Licence."

"A Chaplain appointed to officiate at a particular Station, or in any District in Calcutta, shall not, during his absence, indirectly take upon himself the duties belonging to a different Station or District, while the Chaplain of it is on the spot and is capable of performing such duties himself, unless his consent be previously obtained."

"It having been represented to the Commander-in-Chief the very great inconvenience arising from any interference of the Military Authorities with the Ecclesiastical Department, I am directed by

Adjutant General's Circular, No. 2991, 20 Dec. 1819.

the Commander-in-Chief to refer you, for your future guidance, to G. G. O. 5th December 1815, in conformity with the provisions of which Regulation, all authority over the Chaplains of Stations being vested in the Lord Bishop of Calcutta, it is not competent to any General or other Officer Commanding a Station, where a Chaplain may be fixed, to grant license to another Clergyman to officiate, when the Chaplain specially appointed to perform the duties of the Station is present."

Bp. *Wilson's* 29th, 99th and 100th Suggestions.

"If, from indisposition or other causes, Divine Service should not be performed by the Chaplain at the appointed time, a letter is to be addressed to the Archdeacon, stating the cause of the omission."

"In the case of the Chaplain or Clergyman of the Station being absent or ill,

or the Station being otherwise left, any Missionary of the *Propagation* or *Church Missionary* Society, or other regularly ordained Minister whose services are available, should be requested to perform such Divine Offices as may consist with his own especial duties."

"If there be no such Minister available, then the Chaplain of the Station should arrange with the Chief Civil Authority or Commanding Officer, for some devout and well-disposed Layman of the Church to act as Lay Reader, or Catechist, for the time being, upon whose nomination and consent being received, the Bishop will authorize the arrangement provisionally, under such instructions as will be especially given. But nothing of this kind is to

be done without the Bishop's cognizance and approbation."

Adjutant General's Cir. No. 1090 A, 1 April 1828.

"With the view of facilitating the performance of Divine Worship at those Stations at which no Chaplain may be resident, His Excellency the Commander-in-Chief desires, that you will appropriate, for the purpose, any public building that may be available for it; and should there not be one, on receiving a report to that effect from you, he will recommend that such a building be constructed."

"You will be pleased to invite the Officers of the Staff and of the Native Regiments under your command, to assemble for the above mentioned purpose, requiring the attendance of the Staff Sergeants, of the Christian Drummers and Fifers,

with that of the whole European Soldiery and their Officers; and you will cause Divine Service to be performed by the Major of Brigade, or Station Staff Officer."

Chapter XIV.

Ecclesiastical Vestures.

"And here it is to be noted, that such Ornaments of the Church, and of the Ministers thereof, at all times of their Ministration, shall be retained, and be in use, as were in this Church of *England*, by the Authority of Parliament, in the Second Year of the Reign of King *Edward* the Sixth." *Rubric*, 13 & 14 *Car.* II.

"In the Saying or Singing of Matens and Evensonge, Baptizyng and Burying, the Minister in the Parishe Churches and *Gibson's* Codex, p, 296. *Oxf.* 1761.

Chapels annexed to the same, shall use a Surples. And in all Cathedrall Churches and Colledges, The Archdeacons, Deans, Provestes, Maisters, Prebendaryes and Fellowes, beinge Graduates, may use in the Quiere, beside theyr Surplesses, suche Hoodes as pertaineth to theyr several Degrees whiche they have taken in any Universitie, within this Realme. But in all other places, every Minister shall be at Libertie to use any Surples or no. It is also seemely that Graduates, when they dooe Preache, shoulde use suche Hoodes as pertayneth to theyr severall Degrees." 2 *Edw. VI. at the end of the Service Book*, *A. D.* 1548.

Hook's Church Dictionary, p.

"*Band.* This part of the Clerical dress, which is too well known to need descrip-

tion, is the only remaining relic of the ancient *Amice*." 65. *Lond.* 1852.

"*Cassock*. A black garment with plain sleeves like a coat, made to fit close to the body and tied round the middle with a girdle. It is worn under the Gown or Surplice." *Eden's* Theolog. Dictionary, p. 82. *Lond.* 1845.

Surplice. "Every Minister saying the public Prayers, or ministering the Sacraments, or other Rites of the Church, shall wear a decent and comely Surplice with Sleeves, to be provided at the charge of the Parish." *Canon* lviii.

"Questions have arisen of late as to the extent to which this vestment should be worn in Divine Service. Some think that it is the only vestment recognized by the Church, and that accordingly it *Eden's* Theolog. Dictionary p. 349. *Lond.* 1845.

ought to be worn on all occasions, and in every part of the Public Worship, including the Sermon. Others are of opinion that the use of the Surplice should be confined to those parts of the Service in which the Clergyman appears as the Church's Minister and Representative; that is, in the Morning and Evening Prayer, Communion Service, Baptisms, and other occasional Services."

Hook's Church Dictionary, p. 608. *Lond.* 1852.

"Those who are wise on either side will, in regard to a thing so purely indifferent, follow the customs of the place in which they are called to officiate."

Palmer's Origines Liturgicæ, vol. ii. p. 316. *Oxford,* 1832.

Scarf. "The Scarf is not mentioned in the *Rubric* of the English Ritual; but as it is often used in the Church during the performance of Divine Service, I think it merits consideration in this place. The

Scarf is worn by Bishops, with the Rochette, and generally by Dignitaries and Prebendaries in Cathedrals, and by Chaplains. The origin of this custom is obscure, and I have not seen the subject noticed in any place. The Scarf is not worn because the person is a Doctor, by whom, in Universities, a Scarf is used; for many persons who are not Doctors wear it. And therefore it seems to me more natural to refer this custom to the ancient practice of the Church, according to which Presbyters and Bishops wear a Scarf or Stole in the administration of the Sacraments, and on some other occasions."

Hood. "Such Ministers as are Graduates shall wear upon their Surplices, at such times," [when saying the public Prayers, or ministering the Sacraments, or *Canon* lviii.

other Rites of the Church,] " such Hoods as by the orders of the Universities are agreeable to their Degrees, which no Minister shall wear (being no Graduate) under pain of suspension. Notwithstanding it shall be lawful for such Ministers as are not Graduates to wear upon their Surplices, instead of Hoods, some decent Tippet of black, so it be *not silk.*"

Palmer's Origines Liturgicæ, vol. ii. p. 320. *Oxford,* 1832.

The Hood " was formerly not intended merely for distinction and ornament, but for use. It was generally fastened to the back of the Cope, Casula, or other vesture, and in case of rain or cold was drawn over the head. It was formerly used by the Laity as well as the Clergy, and by the Monastic Orders. In Universities, the Hoods of Graduates were made to signify

their Degrees by varying the colours and materials."

Chapter XV.

Churches.

"The Most Noble the Governor-General in Council is pleased to direct, that, whenever grants are made by Government for buildings, it shall be considered a condition that the works are to be under the direction of the Officer in charge of the Public Works at the Station, or in the Division, for which the grants are made."

Govt. of India, Mil. Dept. 11 July 1854.

Government is desirous, that all applications for work or furniture to Churches from District Chaplains, should, in the first instance, be submitted through the Diocesan, or Archdeacon of Calcutta, for the previous sanction of Government.

Vide Circular of late *Mil. Board,* No. 1714, 30 Aug. 1831.

L'Estrange's Alliance of Divine Offices, pp. 358, 359. *Oxf.* 1846.

"When Christianity first entered the world, she did not find all utensils fitted to her hand, but was constrained to take what occasion did supply: whence it is, that as at first Houses were her Churches, so Rivers were her Fonts. No other baptisteries had she for two hundred years; this is evident from *Justin Martyr* and *Tertullian*... After the second century baptisteries were erected, but not contiguous or annexed to Churches, but a little separated from them; and not every where neither, but only nigh unto Cathedrals, called therefore *ecclesiæ baptismales*, 'baptismal Churches'; not long after, they were brought into the Churches, and then disposed near the door, at the lower end, denoting thereby that persons baptized did in that Sacrament make their first ingress

into Christianity, who were therefore situated, by *Nazianzen's* description, 'in the entry to godliness.' "

" According to a former Constitution, too much neglected in many places, we appoint, that there shall be a Font of Stone in every Church and Chapel where Baptism is to be ministered ; the same to be set in the ancient usual places : in which only Font the Minister shall baptize publicly." *Canon* lxxxi.

" Whereas we have no doubt, but that in all Churches within the realm of England, convenient and decent Tables are provided and placed for the celebration of the Holy Communion, we appoint, that the same Tables shall from time to time be kept and repaired in sufficient *Canon* lxxxii.

and seemly manner, and covered, in time of Divine Service, with a carpet of silk or other decent stuff, thought meet by the Ordinary of the place, if any question be made of it, and with a fair linen cloth at the time of the Ministration, as becometh that Table, and so stand, saving when the said Holy Communion is to be administered: at which time the same shall be placed in so good sort within the Church or Chancel, as thereby the Minister may be more conveniently heard of the Communicants in his Prayer and Ministration, and the Communicants also more conveniently, and in more number, may communicate with the said Minister."

Rogers's Eccl. Law, p. 154, *Lond.* 1849.

"In the case of *Falkner* v. *Lichfield and Stearn,* it was decided, on appeal to

the Arches, that a faculty, granted by the Chancellor of Ely, for allowing amongst other things the erection of a ' stone Communion Table, and a Credence Table' could not, so far as those Tables were concerned, be confirmed. For an immoveable structure of stone cannot be considered as a Communion Table within the meaning of the *Rubrics* of the Books of Common Prayer and the Canons Ecclesiastical, nor is there any authority in the same for a Credence Table."*

" Books for the Reading Desk, Commu- *Abbott's* Practical Analysis,

* In the cases of *Liddell and others* v. *Westerton* and *Liddell and others* v. *Beal*, which came together before him, Sir *John Dodson* delivered a similar judgment, in the Court of Arches, on the 20th December, 1856 ; viz., that " Communion Tables " were not to be of stone and fixed, but of wood and moveable, and that there was not any authority for placing " Credence Tables " in Churches. Vide *Ecclesiastical Gazette, vol.* xix. *p.* 151. *London,* 13 Jan. 1857.

pp. 200, 201, *Calc.*, 1845.

nion Plate, Register Books, Surplices, and other usual and necessary things appertaining to Churches, are all provided in general by the respective Local Governments, at least for all such as are Government Churches. Applications for any of which necessaries are made through the Archdeacon."

Agra Civil Auditor's Manual, Art. 363. *Agra*, 1853.

"Bills for Surplices and Church Table Linen are passed under the countersignature of the Bishop or Archdeacon."

Rogers's Eccl. Law, p. 171, *Lond.* 1849.

"As the Church is a place dedicated and consecrated to the Service of God, and is common to all the inhabitants, it belongs to the Bishop to order it in such manner as the Service of God may best be celebrated, and that there be no contention in the Church. And it is to be presumed that the Ordinary who hath the

cure of souls will take care in such cases according to right and conveniency, that is to say, to take care that the gentlemen have fit places for them, and the poor people fit places for them also, and the ordering thereof is a matter merely spiritual. *Corven's case*, 12 *Rep*. 105."

"The Provincial Commander-in-Chief, under instructions from the Hon'ble the Governor-General of India in Council, has been pleased to direct, that at all Military Stations, where there are "Military Churches," in allotting the pews, a seat should be selected for the Chaplain's family, as conveniently for access to the Vestry and Pulpit as may be, and that no change shall be subsequently made without the Chaplain's consent."

Adjutant General's **Circular, No. 754, 16 April 1835.**

Gibson's Codex, p. 190. *Oxf.* 1761.

"The *Law* takes no *notice* of Churches or Chapels, till they are *Consecrated* by the Bishop. And this is the Reason, why a *Church or not a Church*, a *Chapel or not a Chapel*, shall be certified by the *Bishop*. But the Canon-Law *supposes*, that, with the consent of the Bishop not only Divine Service may be performed, but also Sacraments administered in Churches and Chapels not consecrated, inasmuch as it provides, That a Church shall have the privilege of Immunity, *in quâ divina mysteria celebrantur, licet adhuc non extiterit Consecrata.*"

Bp. *Heber's* Letter to the Rev. *H. Davies*, Sen.

"To open any place of Public Worship without the licence and approbation of the Ordinary or his Delegate, is no less contrary to the practice of the Church, and,

indeed, to the general principles on which all Ecclesiastical Societies are conducted. No sect of Christians with which I am acquainted, would allow a Chapel to be set on foot by any of their Ministers without the knowledge and concurrence of the persons by whom the affairs of their religious community are managed. And, by the *Canons* and *Statute Laws* of England, such places of worship, (unless avowedly Dissenting Chapels and licensed under the provisions of the Toleration Acts,) are, in fact, Conventicles, and render the persons who officiate in them liable to severe penalties, both Spiritual and Temporal." *Bishop Heber's Life, vol. ii. p.* 195.

Chap. *Bombay,* 8 March 1824.

"There is no Form of Prayer for consecration of Churches prepared by com-

Eden's Theolog. Dic-

tionary, p. 110. *Lond.* 1845.

petent authority ; it is left to every Bishop to use any which he thinks fit, though the Form which was prepared by the Bishops in 1712, is that most generally used."

Adjutant General's Circular, No. 1874 A. 19 Nov. 1836.

But British Troops must take part in idolatrous processions?

"The Governor-General of India in Council is not aware of any procession or ceremony at the consecration of a Church at which the presence of Troops can be required ; but should there be any such, the Native Troops, must not join or take part in either the one or the other." *Letter of Sec. to Govt. of India, in the Mil. Dept.* 19*th Sept.* 1836.

Letter No. 441, *Govt. of India,* Mil. Dept. to the late *Mil.*

"I am directed to acquaint your Board that it has been intimated to the Lord Bishop, from the Home Department, that the Governor-General in Council has no

hesitation in admitting, that the Ecclesiastical Authorities are those to whose care the House of GOD may most fittingly be entrusted, and ought to possess a control over the monuments put up in Churches, both in order that the solemnity of the buildings may not be invaded by inscriptions of an objectionable character, and also in order that their appearance may not be injured by the erection of monuments disproportionate to the size of the Church, or otherwise essentially unsightly: that it is the opinion of the Supreme Government that leave should in all cases be requested from the Clergyman of the Station to place mural tablets in Churches: that in any instance where the Chaplain may hesitate to exercise his authority either for assent or refusal, it *Board*, 22 Sept. 1848.

would become his duty to refer the matter for the Bishop's decision; but that it does not appear to the Governor-General in Council necessary that the intervention of the Ecclesiastical Registrar should be had recourse to: that the present authorized fee of fifty (50) Rupees to the Registrar was sanctioned for St. John's Cathedral, and may have become the rule at the Presidency, but the Governor-General in Council is not aware of its having been extended to the Provinces, and that his Lordship in Council, however, thinks that a suitable fee might very properly be charged, when the erection of a monument in a Church in the interior of the country is permitted, the money so collected being applied in the proportion of $\frac{3}{4}$ to the use of the building, and $\frac{1}{4}$ to charity."

" In respect to the erections of Mural Tablets, the directions of the Government are briefly these : that application is to be made for the purpose to the Ecclesiastical Authorities ; that a fee of 50 Rupees is to be paid to the Chaplain for permission to erect a Mural Tablet within the walls of any Church ; of which fee, $\frac{3}{4}$ is to be immediately paid by the Chaplain to the Collector of the District, to be by him credited to the Government to meet the cost of Repairs, and Church Establishment, and the remaining $\frac{1}{4}$ is to be retained by the Chaplain, and applied to charitable purposes, under such instructions as your Lordship may think fit to issue." **Letter of *Govt. of India,* in the *Home* Dept. to Bp. *Wilson,* 24 Mar ch 1849.**

" With regard to Mural Tablets, the former usual fee cannot now, under the **Bp. *Wilson's* 7th Charge, p.**

33. 23 Oct. 1855.

late orders of Government, be enforced; but a Faculty is still required for the erection of them, and the intended inscription is to be submitted to the Archdeacon."

Letter of the *Govt. of Bengal*, enclosed in No. 91, 18 April 1854. Comm. by Adn. *Pratt.*

"In a matter of this sort" [as to the propriety of erecting a Gallery for the Seraphine belonging to the Station Church] "the Officers of Government should be guided by the opinion of the Ecclesiastical Authorities, under whose care and control the Church is placed; and that in accordance with that opinion the Gallery may be removed."

Bp. *Wilson's* 38th Suggestion.

"The Bishop is favourable to a light Pew-rent being cautiously introduced into the Non-Military Churches and parts of Churches as in Calcutta, and other

Stations. The proceeds to be applied by the Chaplains to Ecclesiastical purposes."

"The custody of the Church Furniture in all Stations is in the Chaplain."

Letter, No. 4086, of the *Govt. of India* to Adn. *Pratt*, 16 Sept. 1853, and Comm. by him.

"2. The Officer of the Department of Public Works holds the Articles on his books; makes, on application, the necessary removals and repairs; occasionally inspects them to see that they are not ill-used; invariably inspects on the relief of a Chaplain to see that they are all correct as borne on his returns; and takes charge of them in the event of the absence of the Chaplain from the spot; but *beyond this*, the Executive Officer does not interfere with the Furniture, which is considered to be under the immediate charge of the Chaplain of the Station."

Letter, No. 11, of *Govt. of Bengal* to the *Board of Revenue*, Low. Prov. 10 Jan. 1854, Comm. by Adn. *Pratt*.

"I am directed by the Deputy Governor of Bengal to request, that the Board will issue the necessary orders to Collectors to take charge of the Church Plate when not required for use, whenever they may be requested by the Chaplains to do so."

Law relating to India. pp. 690, 691. *Lond*. 1842.

"And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any Church or Chapel, or other public place of Religious Worship whatsoever .... shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years." *Sec. xxi. of Act No. XXXI of* 1838.

Chapter XVI.

Soldiers' Chapels.

"The design of Soldiers' Chapels in the distant parts of some large and extensive Cantonment remote from the Station Churches, is to provide means of privacy and retirement for the *personal and separate private prayers of Soldiers*, where they have no means of such retirement in their Barracks."

Bp. *Wilson's* 70th, 71st and 72nd Suggestions.

"These Chapels are under the *exclusive* authority of the *Chaplain*; for the purpose also, when he has health and leisure from other duties, of reading Prayers and delivering Instructions or Lectures from time to time."

"They are *never* to be used for any Divine Services or Prayers by lay, irregular, or unordained persons."

Chapter XVII.

Church Establishments.

Order of the *Supreme Govt., Mil.* Dept. 9 Feb. 1820.

"The Most Noble the Governor-General in Council is pleased to direct, that the Establishments attached to the Churches at the several Stations of the Army shall be placed, from the 1st Proximo, under the direct charge of the resident Chaplains, who are to draw the pay and allowances of these people accordingly."

Letter of *Govt. of India* to Adn. *Pratt,* 15 Dec. 1852.

"In regard to a *general* scale of Church Establishment to be provided by the Government, his Lordship in Council observes that the following items of charge may be assumed to be necessary and are allowable :—

A Clerk,

A Bearer,

A Sweeper,
A Chowkeedar,
and occasionally a Bheesty,
Sacramental Elements and Lighting.

But that it is unnecessary that the State should pay for Punkah-pullers and Chaprassees."

"The scale of Establishments adopted for the Government Churches, seems proper, for the most part; but it appears to us doubtful whether, during the hot season, Punkah-pullers should not be included among the necessary attendants, whom Government is bound to support at least for pulling the Punkahs over the Seats of the common Soldiers." *Court of Directors'* Desp. *Eccl.* Dept. 11 Oct. 1854.

As the practice of allotting Military Guards to Churches is considered very objectionable, His Excellency the Com- *Adjutant General's* Circular, 18 Aug. 1853.

mander-in Chief, under instructions from the Most Noble the Governor-General in Council, is pleased to prohibit Guards being furnished for this purpose in future, and requests that Officers Commanding Divisions and Stations will direct the Barrack Department to entertain the necessary Chowkeydars for each Church throughout this Presidency to which a Military Guard is now allotted, the said Guards being withdrawn so soon as the Chowkeydars shall have been entertained."

Letter of the *Govt. of India,* No. 897, *Mil.* Dept. to the late *Military Board,* 31 Oct. 1853.

"The Most Noble the Governor-General in Council has been pleased to decide, that the Chowkeedars entertained through the Barrack Department to replace the Military Guards over Churches withdrawn under a General Order by the

Commander-in-Chief, dated 18th August last shall be entirely under the orders of the Chaplains respectively."

"2nd. At present it is believed that the Chowkeedars are paid through the Department of Public Works. But his Lordship in Council is of opinion, that the payment of these men should devolve upon the Chaplains under whose orders they are placed. This system obtained formerly, as is shown by the General Order by the Governor-General in Council dated 9th February 1820, and it is known to Government that this principle has lately been acted upon in the North-Western Provinces, I am, therefore, desired to request, that you will direct Officers of the Department of Public Works to cease payment of the Chowkeedars of Churches

from this date, and measures will be taken for the issue of instructions through the Ecclesiastical Department, that the pay of the men shall be drawn by Chaplains from Executive Engineers of Divisions commencing with pay for November 1853."

He is not absent then he can submit them himself.

Agra Civil Auditor's Manual, Art. 303. *Agra*, 1853.

"In the absence of the Chaplain or Assistant Chaplain, the Abstract for the regular Church Establishment may be submitted by the Officer performing the Duties, or by the Officer in charge."

Court of Directors' Desp. *Finl.* Dept. 20 Sep. 1848. Comm. by Adn. *Pratt.*

"Para. 11. The practice of drawing the gross amount allowed for Office Establishments, notwithstanding that certain Situations may be vacant in them, is a very improper one, and must be immediately abandoned in every case in which it is adopted."

Chapter XVIII.

Baptism.

"The People are to be admonished, that it is most convenient that Baptism should not be administered but upon Sundays, and other Holy-days, when the most number of People come together. Nevertheless, (if necessity so require,) Children may be baptized upon any other day."

Rubric, 13 and 14. *Car.* II.

"No Minister shall refuse or delay to christen any Child according to the form of the Book of Common Prayer, that is brought to the Church to him upon Sundays or Holy-days to be christened, convenient warning being given him thereof before, in such manner and form as is prescribed in the said Book of Common Prayer. And if he shall refuse to chris-

Canon lxviii.

ten the Child, he shall be suspended by the Bishop of the diocese from his ministry by the space of three months."

Rubric, 13 & 14 *Car.* II. "There shall be for every Male-child to be baptized two Godfathers and one Godmother; and for every Female, one Godfather and two Godmothers."

"When there are Children to be baptized, the parents shall give knowledge thereof over night, or in the morning before the beginning of Morning Prayer, to the Curate.*"

Canon xxix. "No parent shall be urged to be present, nor be admitted to answer as God-

* "It is rightly observed by Mr. Sparrow, that the word curate in our liturgy, is not meant according to the vulgar use, to signify a stipendiary, hireling, or such as one as was formerly called *temporalis vicarius*, 'a vicar at will;' but the parson, rector, or incumbent of the Church." *L'Estrange's Alliance of Divine Offices*, *p*. 490. *Oxf*. 1846.

father for his own child ; nor any Godfather or Godmother shall be suffered to make any other answer or speech, than by the Book of Common Prayer is prescribed in that behalf: neither shall any person be admitted Godfather or Godmother to any Child at Christening or Confirmation, before the said person so undertaking hath received the Holy Communion."

"It hath been accounted reasonable, and allowed by the best laws, that guardians should covenant and contract for their minors to their benefit. By the same right the Church hath appointed sureties to undertake for children, when they enter into covenant with God by Baptism. And this general practice of the Church is enough to satisfy those that

Cardwell's Conferences, p. 355. *Oxf.* 1849.

doubt." *Answer of the Bishops to the exceptions of the Ministers at the Savoy Conference.*

Bp. *Wilson's* Charge, at his 7th Visitation, p. 32. *Calcut.* 1855.

" The difficulty of finding suitable Sponsors for infants brought to Baptism in some Stations, should be met as well as circumstances will allow. The offspring of believers are to be brought to CHRIST, and dedicated to HIM at all events, and the best choice of Godparents be accepted that can be found."

" Proxies for Sponsors, who may be absent, should be admitted, thus securing a double guard for the babes so represented, in addition to their Parents."

Burn's Eccl. Law, vol. i. p. 104 *Lond.* 1781.

The substance of the thirtieth *Canon* is: " That the first Christians gloried in the Cross of CHRIST; that the Scripture

doth set forth our whole redemption under the name of the Cross; that the Sign of the Cross was used by the first Christians in all their actions, and especially in the *baptizing* of their children; that the abuse of it by the Church of Rome doth not take away the lawful use of it; that the same hath been approved by the *Reformed Divines*, with sufficient cautions nevertheless against superstition in the use of it, as, that it is no part of the *substance* of this Sacrament, and that the infant baptized is by virtue of Baptism, *before it be signed with the Sign of the Cross*, received into the congregation of CHRIST'S flock as a *perfect* member thereof, and not by any power ascribed to the Sign of the Cross; and therefore that the same, being purged from all popish superstition and

error, and reduced to its primary institution upon those rules of doctrine concerning things indifferent which are consonant to the *Word of* God and to the *judgments of all the ancient Fathers*, ought to be retained in the Church, considering that things of themselves indifferent do, in some sort, alter their natures when they become enjoined or prohibited by lawful authority."

Bp. *Wilson's* 40th Suggestion.

"Baptisms are to be performed after the Second Lesson, according to the *Rubric;* or if this cannot be done with reference to the heat of the weather or the presence of Troops, then the Baptisms should be celebrated immediately after Service, Morning or Evening, and notice given, so that as many as possible of the

Congregation may remain, and join in its solemn celebration. The Evening Service generally admits easily of the celebration after the Second Lesson."

"The Sacrament of Baptism [*except in the case of such Infants as may be in a precarious state of health*] is not to be administered in Private Houses, or in any other place than that which is ordinarily used for Divine Service." Bp. Wilson's 39th Suggestion.

"If any Minister, being duly, without any manner of collusion, informed of the weakness and danger of death of any Infant unbaptized in his Parish, and thereupon desired to go or come to the place where the said Infant remaineth, to baptize the same, shall either wilfully refuse so to do, or of purpose, or of gross negli- *Canon* lxix.

gence, shall so defer the time, as, when he might conveniently have resorted to the place, and have baptized the said Infant, it dieth, through such his default, unbaptized; the said Minister shall be suspended for three months."

Bp. *Wilson's* 44th Suggestion.

"In the case of Baptisms of Adults being applied for, whether European or Native, the Bishop is first to be consulted, agreeably to the *Rubric;* and, where a Military person of a Native Regiment is concerned, the Commanding Officer also should be informed. This observation extends to the Christian Missions in and near our Stations."

Johnson's English Canons, vol. ii p.

"Of old the Bishop at Confirmation pronounced the name of every Child or person confirmed by him, and if he did

not approve of the name, or the person himself or his friends desired it to be altered, it might be done by the Bishop's pronouncing a new name upon his ministering this Rite, and the Common-Law allowed of the alteration. But upon the review of the Liturgy at King Charles's restoration the Office of Confirmation was altered as to this point. For now the Bishop does not pronounce the name of the person confirmed, and therefore cannot alter it." 277. *Oxf.* 1851.

Chapter XIX.

Marriage.

The English Marriage Acts do not extend to India; and until the year 1818 the matrimonial law of India, with respect to British subjects, was identical Vide *Rogers's* Eccl. Law, pp. 581, 582. *Lond.* 1840; and *Burn's*.

Eccl. Law, vol. ii. p. 433yy. *Phillimore's* Ed. *London,* 1842.

with that which prevailed in England before the passing of the first Marriage Act,—26 *Geo. II, c.* 33,—in 1753.

Since the beginning of June 1818, three Acts of Parliament—58 *Geo. III, c.* 85, 4 *Geo. IV, c.* 91, and 14 and 15 *Vict. c.* 40,*—have been passed by which the law of marriage in India, as regards British subjects, has been greatly modified: but, notwithstanding the modification which has been made by the aforementioned Acts, the *Clergy of the United Church of England and Ireland* are, in the performance of their duty in respect to marriages, bound to conform, in all but absolutely impracticable cases, to the

* For these Acts, vide *Law relating to India,* pp. 218, 219 and 252. *Lond.* 1842; and the *Calcutta Gazette* of 1851, pp. 1161—1164 *incl.*

matrimonial law which was in force in England before the year 1754, and *ought not*, of consequence, to celebrate any marriage until either an Episcopal Licence has been granted, or the Banns of Marriage have first been published, during the time of Divine Service, on three several Sundays or Holy-days, by the Minister or Ministers of the Station or Stations, where the parties dwell or are commorant; or before the parents or guardians of the parties to be married, if they be under the age of twenty-one years, and not in widowhood, have signified their consent to the said marriage, either personally, or by sufficient testimony. Vide *Canons* lxii., c., and civ.

"If the persons that are to be married dwell in divers Parishes, the Banns must *Rubric* 13 and 14 *Car.* II.

be asked in both Parishes ; and the Curate of the one Parish shall not solemnize Matrimony betwixt them, without a Certificate of the Banns being thrice asked, from the Curate of the other Parish."

Vide *Johnson's* Vade-Mecum, part i. p. 187. *Lond.* 1709.

In the case of a person who is commorant in a Parish, the Minister in publishing his Banns ought, for caution's sake, to describe him as a *sojourner* at the place.

Bp. *Wilson's* 50th Suggestion.

" If one or both of the parties reside at a distance from any Station, the Banns are to be published in the nearest Chaplain's Station."

Bp. *Wilson's* 52nd Suggestion.

" The permission to marry granted by Commanding Officers to Privates and

Non-commissioned Officers* under their command, as connected with Military discipline, is to be required as heretofore in such cases, previous to the publication of Banns; but such permission does not supersede the necessity of publishing Banns, nor justify the Chaplain in performing the marriage ceremony without such publication, in any case where a Licence is not obtained."

" Marriage without Banns or Licence is good, and valid in Law, if there be no *Legal Impediment*; but the *Minister* is

Johnson's Vade-Mecum, part i. p. 195. *Lond.* 1709.

* " Soldiers who may marry without the consent of their Commanding Officers, withheld on good and sufficient grounds, are not under any circumstances to be allowed accommodation for their wives in Barracks, or to receive subsistence money for them, or to participate in any of the advantages granted by the Regulations to married Soldiers, and no permission to sleep out of Barracks or Camp is to be granted to such Soldiers." *Reg. of the Bengal Army*, *Sec.* xi. 60.

liable to three years' *Suspension* who married so."

Ibid. p. 185.

"In case the Minister, after Banns published, do marry persons under that age, [twenty-one years,] without having the express consent of Parents, or Guardians, he incurs Suspension for three years by *Canon* 62."

Burn's Eccl. Law, vol. ii. p. 439. *Phillimore's* Edit. *Lond.* 1842.

"It is the Minister's duty to be himself assured of the age, or consent of the parents of the parties, before he marries any couple even by Banns, otherwise he will be guilty of a breach of the *Canon.*"

Johnson's Vade Mecum, part i. pp. 186, 184, 183 and 186. *London,* 1709.

"No person has authority to forbid the Minister to proceed in publishing the Banns, but *the Ordinary only.*" ...... "Whoever has any objection against a marriage, must apply himself to the *Ordi-*

nary, who, if he see cause, may send an *Inhibition* to the Minister, forbiding him to proceed :" but the Minister himself cannot refuse to publish Banns ; though, if he "be fully satisfied, that there be any of the [legal] impediments, he ought in reason to forbear publication, and is liable to censure, if he proceed to marry them [the parties] ; if it can be proved, that he knew the impediment."

"The publication of Banns of a woman who is already married, and whose husband is alive, is a mere nullity ; it is not properly an *undue* publication of Banns, but it is *no publication at all*."

Burn's Eccl. Law, vol. ii. p. 462*b*. *Phillimore's* Edit. *Lond.* 1842.

"Some have questioned the Bishop's *power* to grant *Licenses* for marrying in any case, without Banns first published,

Johnson's Vade-Mecum, part i. p. 194. *Lond.* 1709.

because this is dispensing with an Act of Parliament; for the Marriage Office, which requires Banns, is part of the Statute Law. But then it is answered, that this power of dispensing is granted to the Bishop by Statute Law too; I mean, by 25 *Hen.* VIII. *c.* 21, by which *all Bishops are allowed to dispense, as they were wont to do:* and such dispensations have been granted by Bishops even since Archbishop *Mepham's* days at least, who died *Anno Dom.* 1333."

Abbott's Practical Analysis, p. 130. *Calcutta,* 1845.

"Since 1828, in the Diocese of Calcutta, it has been the practice with the Bishop, in his episcopal character, to grant his Faculty or License to marry, dispensing with the publication of Banns, on the usual oaths and security."

"Although a License is an authority from the Ordinary for a Clergyman to solemnize a marriage without the publication of Banns, yet if he discover any variation in the License, he may, without impropriety, hesitate to act upon it. Indeed, if he fairly has reason to suspect fraud, delay may be justifiable for the sake of inquiry."

Rogers's Eccl. Law, pp. 615, 616. *Lond.* 1849.

"The 62nd of the *Canons* made in 1603 forbids Ministers to marry *at unseasonable times*; but it is evident, that thereby are meant *times of the Day, not of the Year,* for it is presently added, *but between the hours of* 8 *and* 12 : so that it does not appear, that these [pretended] times [of prohibition] were ever intended to be prohibited by our Prelates, either before the Reformation, or since."

Johnson's Vade-Mecum, part i. p. 193. *Lond.* 1709.

"Dr. *Cosins,* that most exact Civilian, takes no notice of any such Times prohibited in his Tables, though he had a fair occasion to do it. *Tab.* 4, 8, 9."

Gibson's Codex, p. 430. *Oxf.* 1761.

"I find no Prohibitions expressed, or plainly supposed, in our *Constitutions* or *Canons.* But there is a place in *Lyndwood's* Gloss, which not only implies a Prohibition of Times in general, but expressly mentions the Times prohibited: *Solemnizatio non potest fieri à primâ Dominicâ Adventûs usque ad Octavas Epiphaniæ exclusivè; et à Dominicâ LXX. usque ad primam Dominicam post Pascha inclusivè; et à primâ die Rogationum usque ad septimum diem festi Pentecostes inclusivè; licèt quoad vinculum his diebus contrahi possit.*"

"But these distinctions, being invented only at first as a fund (among many others) for dispensations, and being built upon no rational foundation, nor upon any law of the Church of England, have vanished of themselves, and it may be justly questioned, whether if a Minister shall refuse to marry any persons within the times pretended to be prohibited, an action upon the case would not lie against him for such refusal."

Burn's Eccl. Law, vol. ii. p. 468. *Phillimore's* Edit. *Lond.* 1842.

"It was an ancient custom, and a very good one, that Marriage should be performed in no other Church, but that to which the Woman belonged as a Parishioner."

Johnson's Vade-Mecum, part i. pp. 188, 189. *Lond.* 1709.

"Our *Canons* do not allow any to be married in Private Houses, or at any other

Time of the Day, but between 8 and 12 in the Forenoon. And the Bishops seldom or never dispense with these *Canons* here, [England,] as they often do in *Ireland*."

Bp. *Wilson's* 48th Suggestion.

"These hours [between 8 and 12 in the forenoon] apply however only to Marriages by Licenses; Marriages by Banns are not so restricted; but are to be celebrated with reference to the convenience of the Chaplain and parties concerned."

Bp. *Wilson's* 51st Suggestion.

"Parties residing at a distance from a Chaplain's Station must come in to the Station for marriage. They cannot claim the Chaplain's attendance at a distance from his Station."

Johnson's Vade-Mecum,

"If there be any legal Impediment the Marriage is null, though Banns have been

published, or License granted; '*for so many as are coupled together otherwise than God's Word doth allow, are not joined together by God, neither is their Matrimony Lawful.*' Office of Matrimony." part i. p. 195, *Lond.* 1709.

The legal impediments are as follow:

"1. *Precontract*, when one, or both Parties, are before Married, or Pre-engaged to some other Person, by solemn mutual Promise made before several good Witnesses, *and a Suit is hereupon commenced* in some Ecclesiastical Court, *Canon* 102." *Ibid.* p. 184.

"2. *Consanguinity*, or *Affinity*. To know who are too near akin to Marry by the Laws of our Church, see *the Table of Degrees* set forth by Archbishop *Parker*, *Ibid.* p. 184.

Anno Dom. 1563,* and authorized and enjoined to be set up in Churches by *Canon* 99."

Burns' Eccl. Law, vol. ii. p. 446. *Phillimore's* Edit. *Lond.* 1842.

"Before the Statute of 32 *Hen.* VIII. *c.*38, other prohibitions than GOD's law admitteth, were invented by the Court of Rome. But now by this Act, all persons are declared to be lawful to

* *Table of Degrees of Marriage.*

A MAN MAY NOT MARRY HIS	A WOMAN MAY NOT MARRY WITH HER
1 Grandmother.	1 Grandfather.
2 Grandfather's Wife.	2 Grandmother's Husband.
3 Wife's Grandmother.	3 Husband's Grandfather.
4 Father's Sister.	4 Father's Brother.
5 Mother's Sister.	5 Mother's Brother.
6 Father's Brother's Wife.	6 Father's Sister's Husband.
7 Mother's Brother's Wife.	7 Mother's Sister's Husband.
8 Wife's Father's Sister.	8 Husband's Father's Brother.
9 Wife's Mother's Sister.	9 Husband's Mother's Brother.
10 Mother.	10 Father.
11 Step-Mother.	11 Step-Father.
12 Wife's Mother.	12 Husband's Father.
13 Daughter.	13 Son.
14 Wife's Daughter.	14 Husband's Son.
15 Son's Wife.	15 Daughter's Husband.
16 Sister.	16 Brother.
17 Wife's Sister.	17 Husband's Brother.
18 Brother's Wife.	18 Sister's Husband.

contract matrimony, that be not prohibited by GOD's Law to marry, and that no reservation or prohibition (GOD's Law excepted) shall trouble or impeach any marriage without the Levitical degrees."

" By the effect of this Statute [32 *Hen.* VIII. *c.* 38] the only marriages which are now illegal in respect of proximity of degree, are the following,—those between persons in the ascending and descending line *in infinitum*, and those between collaterals to the third degree inclusive, ac- *Stephen's* Commentaries vol. ii. pp. 243, 244. *Lond.* 1853.

19	Son's Danghter.	19	Son's Son.
20	Daughter's Daughter.	20	Daughter's Son.
21	Son's Son's Wife.	21	Son's Daughter's Husband.
22	Daughter's Son's Wife.	22	Danghter's Daughter's Husband.
23	Wife's Son's Daughter.	23	Husband,s Sou's Son.
24	Wife's Daughter's Daughter.	24	Husband's Daughter's Son.
25	Brother's Daughter.	25	Brother's Son.
26	Sister's Daughter.	26	Sister's Son.
27	Brother's Son's Wife.	27	Brother's Daughter's Husband.
28	Sister's Son's Wife.	28	Sister's Daughter's Husband.
29	Wife's Brother's Daughter.	29	Husband's Brother's Son.
30	Wife's Sister's Daughter.	30	Husband's Sister's Son.

cording to the mode of computation in the Civil Law, which reckons the sum of the degrees from the Propositus up to the common stock, and so down to the other relatives. The prohibition, however, as to collaterals is held to extend not only to *consanguinei*, or those related by blood, but to *affines*, or those related by marriage. Thus a man can marry neither his sister nor his wife's sister, for both are related to him in the second degree; nor his sister's daughter, nor wife's sister's daughter, for both are in the third degree; but he may marry his first cousin, for she is in the fourth degree. Though the *consanguinei* of the wife are always related by affinity to the husband, and the *consanguinei* of the husband to the wife, it is to be remarked, on the other hand, the *consangui-*

nei of the husband are not at all necessarily related to the *consanguinei* of the wife. Hence two brothers may marry two sisters, or father and son a mother and daughter. Nor is the husband related to the *affines* of the wife, nor *vice versâ*. Therefore a man may marry his wife's brother's wife. It is farther to be observed, that the prohibition as to collaterals extends to those related by the half-blood only; and that it also applies, though one of the parties be a bastard; for notwithstanding this circumstance, which makes him *nullius filius* as to many civil consequences, the law recognizes his relationship to his natural parent, for moral purposes."

"When it is vulgarly said that first cousins may marry, but second cousins *Burn's* Eccl. Law, vol. ii.

pp. 449, 450, *Phillimore's* Edit. *Lond.* 1842.

cannot, probably this arose by confounding these two laws [the Civil and the Canon]; for first cousins may marry by the Civil Law, and second cousins cannot by the Canon Law."

"But now by the aforesaid Statute of the 32 *Hen.* VIII, *c.* 38, it is clear that both first and second cousins may marry."

Blackstone's Com. vol. i. p. 546, *Stewart's* Edit. *London,* 1854.

3. *Want of Age.* "This is sufficient to avoid all other contracts on account of the imbecility of judgment in the parties contracting; *à fortiori,* therefore it ought to avoid this, the most important contract of any."

Burn's Eccl. Law, vol. ii. p. 437 b. *Phillimore's* Edit. *Lond.* 1842.

"Previously to the 26 *Geo.* II, consent was held valid if given by males of fourteen and females of twelve years of age."

"If the male be under fourteen, or the girl under twelve, the marriage, though not absolutely void, (supposing it celebrated with due solemnities,) is inchoate only and imperfect; and either of them, upon coming to the age of consent aforesaid, may disagree and declare the marriage void, without any divorce or sentence in the Spiritual Court; in addition to which it is to be observed, that if the husband be of years of discretion, and the wife under twelve, when she comes to years of discretion, he may disagree as well as she; and so it is *vice versâ*, when the wife is of years of discretion, and the husband under; but if at the age of consent they agree to continue together, they need not be married again. The doctrine of disa-

Stephen's Commentaries, vol. ii. p. 241. *London*, 1853.

bility in respect of age is founded, we may observe, on the Civil Law."

Rogers's Eccl. Law, p. 611. *Lond.* 1849.

4. *Want of Consent of Parents or Guardians.* "Before the 26 *Geo.* II. *c.* 33, the first Marriage Act, the want of parental consent, though treated by the Civil and Canon Law as a cause for invalidating a marriage, *Ayliffe Parer.* 362, was in this country [England] a duty of imperfect obligation. The want of consent might prevent the celebration of a marriage, but did not affect its validity after solemnization."

Blackstone's Com. vol. i. p. 547. *Stewart's* Edit. *London,* 1854.

However "by several Statutes, penalties of £100 were laid on every Clergyman who married a couple either without publication of Banns (which might give notice to parents or guardians) or without

a License, to obtain which the consent of parents or guardians must be sworn to."

5. *Want of Reason.* " A party who is incapable of understanding the nature of the contract itself, and incapable from mental imbecility of taking care of his or her own person and property, cannot dispose of his or her person and property by the matrimonial contract, any more than by any other contract. *Browrigg* v. *Reane*, 2 *Phill.* 71." *Rogers's* Eccl. Law, p, 633. *Lond.* 1849.

" If the first marriage be valid, it is immaterial whether it was contracted in this country [England] or abroad. If celebrated according to the law of the country where contracted, it will be good, and the second marriage will be null and *Ibid.* p. 634.

void, and the offender may be convicted of bigamy."

Law relating to India, p. 328. *London*, 1842.

In the 70th section of the 9 *Geo. IV*, *c*. 74, the cases in which parties, who have contracted a second marriage, are not subject to the penalties attached to bigamy, are thus declared. "Provided always, that nothing herein contained shall extend to any second marriage contracted out of his Majesty's dominions by any other than a subject of his Majesty, or to any person marrying a second time, whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to be living within that time,* or shall ex-

* The second marriage in this case is *void*, though not subject to the penalties attached to bigamy. Vide *Stephen's* Com. vol. iv. p. 339, note (b). *Lond.* 1853.

tend to any person who at the time of such second marriage shall have been divorced from the *bond* of the first marriage, or to any person whose former marriage shall have been declared void by the sentence of any Court of competent jurisdiction."

"Divorces *à vinculo matrimonii*, for adultery, have of late years been frequently granted by Act of Parliament, but not without very strict investigation, and, as a general rule, not until both a jury has given damages in an action for criminal conversation, and a sentence of divorce has been passed in the Spiritual Courts." *Blackstone's* Com. vol. i. p. 554, *Stewart's* Edit. *London*, 1854.

"These divorces [*à vinculo matrimonii*] can only be obtained by Act of Parliament, and are so expensive, as totally to *Eardley-Wilmot's* Abrid. of *Bla.* Com.

p. 103. *Lond.* 1853.

preclude the lower classes of society from ever obtaining them, even where it would be most desirable."

Burn's Eccl. Law, vol. ii. p. 500. *Phillimore's* Edit. *Lond.* 1842.

"In the East Indies the Supreme Courts of Judicature grant divorces *à mensâ et thoro.*"

Vide *Law relating to India*, pp. 230, 231. *Lond.* 1842.

By the 1 *Geo.* IV. *cap.* ci, which is entitled "An Act to enable the Examination of Witnesses to be taken in India in support of Bills of Divorce on Account of Adultery committed in India," the Speaker of either House of Parliament may issue his Warrant to the Judges of the Supreme Courts of Judicature in India for the examination of witnesses *in India.*

Chapter XX.

Surrogate.

"Surrogate is one who is substituted or appointed in the room of another. Thus the office of granting Licenses for marriage in lieu of Banns, being in the Bishop of the Diocese by his Chancellor, the inconvenience of a journey to the seat of Episcopal Jurisdiction is obviated by the appointment of Clergymen in the principal Towns of the Diocese as Surrogates, with the power of granting such Licenses."

Hook's Church Dictionary, p. 608. *London,* 1852.

"No Faculty or License shall be henceforth granted for solemnization of matrimony betwixt any parties, without thrice open publication of Banns, according to the Book of Common Prayer, but upon good caution and security taken."

Canon ci.

Canon cii.

"The security mentioned shall contain these conditions : First, That, at the time of the granting every such License, there is not any impediment of precontract, consanguinity, affinity, or other lawful cause to hinder the said marriage. Secondly, That there is not any controversy or suit depending in any Court before any Ecclesiastical Judge, touching any contract or marriage of either of the said parties with any other. Thirdly, That they have obtained thereunto the express consent of their parents, (if they be living,) or otherwise of their guardians or governors. Lastly, That they shall celebrate the said matrimony publickly in the Parish Church or Chapel where one of them dwelleth, and in no

other place, and that between the hour of eight and twelve in the forenoon."

"If both the parties which are to marry being in widowhood do seek a Faculty for the forbearing of Banns, then the clauses before mentioned, requiring the parents' consents, may be omitted; but the Parishes where they dwell, both shall be expressed in the License, as also the Parish named where the marriage shall be celebrated." *Canon* civ.

"Surrogates under the Bishops, and their Commissaries, are now regularly appointed at all the principal Stations, for the express purpose of granting such Episcopal Licenses, and which has been attended with much convenience. These Officers are sworn faithfully to execute

Abbott's Practical Analysis, pp. 130, 131, *Calcut.* 1845.

their office; and give security to the Bishop for the faithful performance of their duties. They return into the Bishop's Registry all Affidavits leading to the issue of the Licenses granted by them as such Surrogates."

Bp. *Wilson's* 55th Suggestion.

"Surrogates in issuing Licenses are to be very particular in seeing that the parties applying take all the regular oaths in the strictest manner, according to the Forms of the Affidavits. The least departure from these Forms exposes a Clergyman to prosecution."

Mr. Commissary *Ruspini's* Circular, 19 Nov. 1850.

"Viewing the great importance of recording all Affidavits sworn to with as little delay as possible, I am desired by the Lord Bishop to call the several Sur-

rogates' attention to the due observance of the following Rules."

"1. All Affidavits sworn to before them to be immediately returned into the Registry, if possible, for record."

"2. Should no Affidavits be returned for the space of three months, and no account rendered of the number of Licenses remaining with the Surrogate, it will be the duty of the Registrar to call for such Returns, or to state if no Affidavits have been sworn to intermediately, and also to request the Surrogate to inform him of the number of Licenses remaining with the Surrogate under the Bishop's Seal and official Signature of the Registrar."

"3. In case no satisfactory answer is returned by the Surrogate, or the infor-

mation is withheld, or the Surrogate should, upon any such request, omit to make his Returns of Affidavits, the Registrar will immediately name the same to the Bishop or Commissary, and will refuse to furnish the Surrogate with further Licenses, until the matter is disposed of by his Lordship."

"4 Whenever Affidavits are duly and satisfactorily returned by the Surrogate into the Registry, and are accompanied by a request for further Licenses, it will be the duty of the Registrar immediately to furnish and forward the usual number to the Surrogate, according to the practice hitherto observed."

"5. Should the Surrogates have reason to complain of any neglect, or other-

wise, on the part of the Registrar, they will inform the Bishop or Commissary of the same."

Chapter XXI.

Fees.

"No Sacrament of the Church is to be denied to any one upon the account of money."

Rogers's Eccl. Law, p. 71. *Lond.* 1849.

"Para. 48. We cannot admit the right of our Chaplains to demand Fees from Persons in His Majesty's or the Company's Service, belonging to the Station to which they are attached, for the performance of services connected with the administration of their Sacred Functions;

Court of Directors' Desp. *Eccl.* Dept. 23 July 1824.

Covenanted
Uncovenanted
a both ?

but, on the other hand, we do not intend to restrict them from the acceptance of such Fees in cases where they may be *freely* and *gratuitously* given."

Govt. of India, Eccl. Dept. 22 April 1835.

"The Honorable the Governor-General of India in Council is pleased to notify, that in future no Fees whatever shall be required from the Military Service, or from the Families of Military Persons, by the Honorable Company's Chaplains in the Presidencies of Bengal and Agra, for the performance of Sacred Offices."

Court of Directors' Desp. *Eccl.* Dept, 31 July 1839.

"5. The second portion of the Ecclesiastical Proceedings now under our notice, and on which a Memorial from seventeen Chaplains has been received, relates principally to certain Fees hitherto paid to the

two Senior Chaplains, which, on the departure of the present Incumbents, are (at the recommendation of the Bishop) to be divided among the five Presidency Chaplains."

"6. The Clergymen in their Memorial object to this arrangement, and request that the Fees received at the three Churches of the Presidency should be continued to the two Senior Chaplains, without any consideration of the duties to be performed."

"7. We concur in the Proceedings of the Bengal Government on this subject, and we desire that the five Presidency Chaplains, whose places will thus be rendered objects of desire to the Ecclesi-

astical Establishment, may, in future, be selected exclusively from the seventeen senior Chaplains, with all regard to seniority. This measure will, we trust, remove the objection which many of the Clergy entertain to the new arrangement, principally, it would appear, through the expectation that these advantageous appointments would not be reserved as rewards for long and meritorious service."

Vide Notification of *Govt. of Bengal, Eccl.* Dept. 15 Sept. 1853.

Since the 1st October 1853, Chaplains at the Presidency have been allowed to receive, on the occurrence of Marriages and Burials, the following Fees :—

On a Marriage by License, ...	Rs. 50
On a Marriage by Banns,... ...	„ 8

On Burials.	Ornamented Coffin.	Unornamented Coffin.
When Coffins are brought in a Hearse or other Conveyance.	Rs.	Rs.
In a Pucka Grave, First Interment, ..	32	20
In a Pucka Grave, Any subsequent Interment, ...	16	10
In a Cutcha Grave,................	8	6
When Coffins are brought on Men's Shoulders.		
In a Pucka Grave, First Interment, ..	12	8
In a Pucka Grave, Any subsequent Interment,....	8	4
In a Cutcha Grave,................	0	0

For the ministration of Baptism *no* Fee whatever is *charged.* It rests, however, with the Chaplains (*except in cases of dangerous illness*) to appoint the time for the

administration of that Sacrament with reference to their other duties.

Chapter XXII.

Regimental Schools.

The Queen's Regulations and Orders, pp. 214, 215. *Lond.* 1844.

"11. It is to be remembered, that the main purposes for which *Regimental Schools* are established, are to give to the Soldiers the comfort of being assured, that the education and welfare of their Children are the objects of their Sovereign's solicitude; and to raise from their offspring a succession of loyal Subjects, brave Soldiers, and good Christians."

Adjutant General's Circular, No. 1090, 1 April 1828.

"His Excellency the Commander-in-Chief having learnt that difficulties have occurred, with regard to Chaplains visiting the Regimental Schools of some of

the Corps in the Service of the Hon'ble the East India Company, I have received the orders of His Excellency to request, that you will give such directions to the Officers Commanding those Corps, as will insure every facility being afforded to Chaplains in the performance of so important a duty."

"7. It is incumbent on the Chaplains, and other Clergymen engaged in the spiritual duties of the Army, to give their assistance to the Military Officers, in promoting the success of the *Regimental Schools*, by frequently visiting those of their Divisions and Garrisons; by diligently scrutinizing the conduct of Serjeant-Schoolmasters and Mistresses; by ascertaining the progress and general be-

The Queen's Regulations and Orders, pp. 217, 218. *Lond.* 1844.

haviour of the Children; by examining them occasionally in the Church Catechism; and by giving them such explanations on the subject as may impress them with just notions of the Principles of Religion and good Morals."

Supreme Govt. Eccl. Dept. 17 Feb. 1834.

"3. He [the Chaplain at a Military Station] is to carefully superintend and inspect the European Regimental and other Schools, visiting them for this purpose not less than once a week, and to represent any matter concerning their management, to the Commanding Officer, which may require his notice. Provided, however, that in the performance of the above duty he shall not interfere with the religious persuasion of those who do not profess the tenets of the Church of Eng-

land. He is to represent to the Commanding Officer [*of the Station**] on the 1st January and the 1st July in each year, and oftener if necessary, the state of the European Regimental Schools, the qualifications and conduct of the Master, and the proficiency of the Scholars."

of the Army?

"We expect on the part of Commanding Officers of European Corps, a zealous attention to maintain in full efficiency the Division and Regimental Schools authorized at their respective Stations; we also expect that Reviewing Generals will carefully inquire into the state of Schools within their respective Divisions, and report the results for the information of the Commander-in-Chief."

Court of Directors' Desp. *Mil.* Dept. No. 32, 17 March 1852.

* Vide Sec. xiv Art. 5 of the *Military Regulations*, 1855.

Commander-in-Chief's Order, 6 Sept. 856.

"Many of the Confidential Reports on European Corps being deficient in the full information that is required, relative to Regimental Schools, the Commander-in-Chief directs that the following instructions shall be entered as Article 19, Section XLII of the Military Regulations, in substitution of the Article at present bearing this number, which is to be expunged :—"

"The state of Regimental Schools is to be most carefully inquired into, and fully reported upon ; and information on the following points is invariably to be given :—

1st. Whether the Schools are conducted according to established Regulation ?

2nd. Is the School-master duly qualified for his situation ?

3rd.—Name and age of the School-master ?

4th. Is the Schoolmistress duly qualified?

5th. Her name and age?

6th. Are the Schools frequently visited by the Chaplain?

7th. Number of Adult Pupils of each rank?

8th. Number of male and female Children attending School?

9th, The hours of attendance of each description of Scholars?

10th. The branches of study pursued, and the general degree of proficiency that seems to have been attained?

11th. The degree of attention bestowed by the Commanding Officer on the efficiency of the School?

12th. The Report given by the Chaplain of the talents and correctness of conduct of the School-master and School-mistress, and of the progress and general behaviour of the Scholars ?

13th. The number of Adults in the Regiment who are able to read and write, and of those who can read only ?

14th. The number of Adults studying Hindoostanee, when a class for instruction in that language has been formed in the Corps ?"

"In addition to the foregoing information, specially called for, the Inspecting Officer will draw attention to anything connected with the Schools that he may deem worthy of notice."

Chapter XXIII.

Chaplains are to visit the sick in European Hospitals and elsewhere.

"When any person is dangerously sick in any Parish, the Minister, or Curate, having knowledge thereof shall resort unto him or her, (if the disease be not known, or probably suspected, to be infectious,) to instruct and comfort them in their distress, according to the order of the Communion Book, if he be no Preacher, or if he be a Preacher, then as he shall think most needful and convenient." *Canon* lxvii

"The Chaplain at a Military Station is to visit regularly, at least twice in each week, the European Hospital or Hospitals. Provided, however, that, in the performance of this duty, he shall not interfere *Supreme Govt. Eccl.* Dept. 17 Feb. 1834.

× "interfere does mean not perfo[rm] Divine Service next page.

with the religious persuasion of those who do not profess the tenets of the Church of England."

The Queen's Regulations and Orders p. 285. *Lond.* 1844.

"Officers Commanding Districts or Brigades are frequently to visit the Hospitals of Regiments under their Command ...... they are likewise responsible that Divine Service* is performed, and duly attended by the convalescent Patients, and that the Sick are regularly visited by the Chaplain attached to the Brigade or District."

In order that a Chaplain might not meet with any interruption in his visits to the European Hospitals, it would, perhaps, be well, that he made them at hours dif-

* From Article 390, in p. 109, of the Work entitled "Explanatory Directions for the Information and Guidance of Pay-masters and Others" of Her Majesty's Army, it would appear, that, to "read Prayers to the Patients," is what is meant by the performance of Divine Service at Hospitals.

ferent from those prescribed in the following Government Order for the visits of Medical Officers.

Supreme Govt. Mil. **Dept. No. 190, 11 Sept. 1829.**

" At the recommendation of His Excellency the Commander-in-Chief, the Governor-General in Council is pleased to direct, that the following Rules relative to the hours of visiting Hospitals, shall be applicable to the whole Army, both European and Native Troops, whether belonging to His Majesty's Service, or the Service of the Honorable Company."

" 2. That from the 1st March to the 1st October, Medical Officers shall make their morning visit to their Hospitals by ½ past 6 o'clock ; and not later than ½ past 7 o'clock, from the 1st October to the 1st March; except in those cases, where it

can be satisfactorily shewn, that their attendance at the hours specified was absolutely necessary elsewhere on Public Duty."

"3. The evening visit at all seasons of the year, to be at ½ an hour before sunset."

Chapter XXIV.

Bibles and Prayer Books for Troops and Distribution of Religious Tracts.

Court of Directors' Desp. *Mil.* Dept. No. 149, 7 Dec. 1853.

"25. Bibles and Prayer Books for Protestant Soldiers are supplied, on payment, by the Society for Promoting Christian Knowledge. As that Society has established Depôts in India, there can be no objection to the supplies being procured there, instead of by Indent on us."

"28. The Regulations with regard to the custody and supply of Bibles and Testaments which obtain in Her Majesty's Army, should be adopted in our Service."

"They [Officers Commanding Regiments and Depôts] are to take care that whatever books are transmitted for the use of the Soldiers are distributed in the most appropriate manner, and that the greatest attention be given to their preservation which may be consistent with the free circulation and use of them. An ample supply is to be allotted for the use of the *Patients* in the *Regimental Hospitals,* and of the *young Soldiers* and *Children* who may be under instruction in the *Regimental Schools.*"

The Queen's Regulations and Orders, p. 219. *Lond.* 1844.

Commander-in-Chief's Order, 6 May 1856.

" Commanding Officers will forward Indents for Bibles, &c., direct to the Secretaries of the Society for Promoting Christian Knowledge, who will comply with the same without any reference to Army Head-Quarters."

Continuation of the *Addenda* to the *Queen's Regulations and Orders*, p. 128.

" The Commander-in-Chief finds it necessary to republish the annexed General Order, which regulates the distribution of Bibles and Religious Tracts amongst Troops, and to desire that General Officers, and Commanding Officers of Regiments and Depôts, will pay strict attention thereto." *Horse Guards*, 10*th November*, 1848.

" General Order, No. 414.

Horse Guards, 18th May, 1824."

" It has been represented to the Com-

mander-in-Chief, that, in some instances, Regimental Officers have been employed by certain Societies for the distribution of Bibles and Religious Tracts among the Troops; and considering that such a duty belongs solely to the Chaplains of the Army, who are attached to Garrisons, or Brigades, and who are the proper and only Channel, with the approbation of the Commanding Officers, for all communications of this nature, His Royal Highness strictly forbids Military Officers from accepting or executing any such commission under the penalty of His Majesty's severe displeasure."

"In giving this Order to the Army His Royal Highness feels it essential to declare, that Military Chaplains are al-

ways ready to perform the duties for which they are held responsible; and that they will never fail to issue to the Troops, under regular authority, whatever it may be proper to distribute among them."

Chapter XXV.

Garrison Jails and Regimental Cells.

Bp. *Wilson's* 66th Suggestion.

"The Jails should be visited regularly where there are European Prisoners.*"

Addenda to the *Queen's Regulations and Orders*, pp. 8, 9.

"12. He [the Provost Serjeant] is not to permit any person to visit the Prisoners, other than the Officers appointed

* "In *Broad* v. *Pitt*, Lord *Wynford* said, it had been decided in *Gilham's* case, that the privilege [from disclosure] did not extend to Clergymen, but that he would never compel a Clergyman to disclose communications made to him by a Prisoner; but if he chose to disclose them, he should receive them in evidence." *Phillipps's* Law of Evidence, vol. i. p. 165 *Lond.* 1843.

by these Rules,—the Chaplain, and the Officers of the Regiment to which the Prisoners belong, under the sanction of their respective Commanding Officers."

"21. No books are to be permitted in Cells for the use of Prisoners, except such as are specified in a List which shall be approved by the Garrison Chaplain, or in the event of there being no Garrison Chaplain, by the Principal Chaplain of the Army." *Horse Guards, 8th November*, 1844.

Chapter XXVI.

Burial.

"By *Canon* 68, it is directed that no Minister shall refuse or delay to bury any corpse that is brought to the Church-yard,

Rogers's Eccl. Law, p. 126. *Lond.* 1849.

convenient warning being given him thereof; and if he shall refuse to do so (except the case falls within the exceptions) he shall be suspended for the space of three months."

Rubric 13 & 14 *Car.* II.

"The Office [of Burial] is not to be used for any that die unbaptized, or excommunicate, or have laid violent hands upon themselves."

Rogers's Eccl. Law, pp. 124 and 70. *Lond.* 1849.

"By unbaptized, is meant a person not baptized at all, that is, not initiated into the Christian Church by any Form which can be recognized as a legal and valid initiation. It is immaterial, therefore, whether the person to be buried has been baptized according to the Form of the Church of England or not, or whether he has been baptized by a Layman or a Clergyman, provided the essence of

Baptism, according to what has usually been received among Christians as such, has taken place. The Church of England does not refuse the Office of Burial to Persons who are not conforming Members of this Church : that *Canon,* indeed, says, that the Parish Minister is to Christen any Child, and Bury any Corpse ; and hence it has been suggested, that those only are entitled to Burial who have been first Christened according to the Form of the Church, but there is no such rule. It is the duty of the Minister to Bury all Christian Persons dying within the Parish. As to the Popish recusants, indeed, they were required to be buried in the Church or Church-yard, or a penalty was incurred by their Representatives. 3 *Jac. c.* 5."

"The case of *Mastin* v. *Escott*, was carried by appeal to the Privy Council, and the decision in *Kemp* v. *Wickes* fully confirmed; by which case it was decided, that a Child completely baptized by a Wesleyan Minister, not having received Episcopal Ordination, was not "*unbaptized*"; and a Clergyman refusing, due warning having been given him, to bury such Child, was suspended for three months by the express words of the 68th *Canon*."

"The case of *Kemp* v. *Wickes*, supported by the case of *Mastin* v. *Escott*, decided that Baptism by a Layman is sufficient; but both these cases stopped short of deciding the further question that Baptism by a Dissenting Minister

or Heretical Baptism was sufficient. This latter point was distinctly raised in the case of *Titchmarsh* v. *Chapman,* and the Court Sir H. *Jenner Fust* expressed his opinion: That though both Lay and Heretical Baptism were contrary to the orders of the Church, yet both were valid and entitled the recipient in either case to the (temporal) privileges conferred by valid Baptism."

The Excommunication spoken of in the 68th *Canon,* is "*Excommunicatio major.*"

"*Excommunicatio major* is that, whereby men are deprived, not only of the Sacraments, and the Benefit of Divine Offices, but of the Society and Conversation of the Faithful. They, whether Laymen, or Clergymen, who die under

Johnson's Vade-Mecum, part i. pp. 168, 169. *Lond.* 1709: and vide *Rogers's* Eccl. Law, pp. 511, 512. *Lond.* 1849.

this Sentence, are not to be buried by the Book of *Common Prayer*. This is called *Anathema et Mucro Episcopalis*."

"It has been disputed, whether Persons, who are by *Law*, or *Canon*, declared *ipso facto* excommunicated, do fall under that Sentence before they are cited by the Ordinary, and have the Fact proved against them, and they are denounced Excommunicate in *Ecclesiastical Court*."

"Now, the Judges have declared, that Excommunication takes no effect, as to the *Common Law*, till it be denounced by the Ordinary and Curate of the place where the Offender lives; no, not when such Excommunication is decreed by Act of Parliament, as by the Statute of *Edw.* VI." [5 & 6 *Ed.* VI, *c.* 4, *s.* 2.]

Govt. of India, Home Dept. (*Eccl.*) 21 Dec. 1855.

"The Most Noble the Governor-General in Council observes, that, according to the Law of the Church of England, the Office of Christian Burial cannot be refused by a Chaplain of the Church to any deceased person, unless he have died unbaptized or excommunicated, or have laid violent hands upon himself; and that the Excommunication which can alone justify refusal is Excommunication by Sentence of a Court of competent jurisdiction, and not Excommunication by a Priest of the Church of Rome, or a Minister of the Established Church."

"Therefore a Chaplain of a Station when requested by a Commanding Officer to bury a Roman Catholic is, as a general rule, bound to do so according to the Ritual of the Church of England; and

it is not sufficient ground for refusal that a Roman Catholic Priest at the same Station has already refused to bury the deceased."

Burn's Eccl. Law, *Phillimore's* Edit. vol. i. pp. 265, 266. *Lond.* 1842.

" Of this sort [those who have laid violent hands upon themselves] are to be understood, not all who have procured death unto themselves, but who done it voluntarily, and consequently have died in the commission of a mortal sin ; and not idiots, lunatics, or persons otherwise of insane mind."

" The proper judges whether Persons who died by their own hands were out of their senses are doubtless, the Coroner's Jury. The Minister of the Parish hath no authority to be present at viewing the body, or to summon or examine witnesses.

And therefore he is neither entitled nor able to judge in the affair; but may well acquiesce in the public determination without making any private inquiry. Indeed, were he to make one, the opinion which he might form from thence, could usually be grounded only on common discourse and bare assertion. And it cannot be justifiable to act upon these, in contradiction to the decision of a Jury after hearing witnesses upon Oath. And though there may be reason to suppose that the Coroner's Jury are frequently favourable in their judgment, in consideration of the circumstances of the deceased's family with respect to the Forfeiture; and their Verdict is in its own nature traversable: yet the Burial may not be delayed until that matter, upon trial,

shall be determined. But on acquittal of the crime of Self-murder by the Coroner's Jury, the body in that case not being demanded by the Law, it seemeth that a Clergyman may and ought to admit the body to Christian Burial."

Stephen's Commentaries, vol. iv. pp. 133, 134. *Lond.* 1853.

"'It is not every melancholy or hypochondriac distemper that denominates a man *non compos*,' says Sir *M. Hale*, vol. i. p. 412, 'for there are few who commit this offence (of Suicide) but are under such infirmities; but it must be such an alienation of mind that renders them to be madmen, or frantic, or destitute of reason.' And *Hawkins*, b. 1, c. 27, s. 2, lays down a similar doctrine, and reprobates the notion, which he says had unaccountably prevailed of late, that every one who kills himself must be *non compos*.

It is to be observed, however, that there are many cases of Suicide in which no motive for the act appears or can be imagined, such as can be supposed to operate upon a mind free from morbid delusion. In these circumstances the practice of Juries to return a Verdict of Insanity, without farther evidence of unsoundness of mind, does not seem fairly to fall under censure. In other kinds of murder also this apparent want of rational motive is of frequent occurrence, and ought, it would seem lead to the same conclusion. But the *danger* of acquittal on this ground without farther proof of Insanity, is too obvious to require remark ; and should always deter a Jury from a Verdict of that description, unless the circumstances be very strong and peculiar,

and such as to make it impossible to suppose the existence of any rational motive for the act."

General Order by the *Provinc. Commander-in-Chief*, 19 May 1834.

" With reference to General Orders by the Commander-in-Chief of the 24th September 1829, the Major General in Command of the Forces is pleased to direct, that in all cases of Suicide, the opinion of the Court of Inquest, as to the Sanity or Insanity of the Individuals, be invariably recorded."

Blackstone's Com. *Stewart's* Edit. vol. iv. p. 234. *Lond.* 1854.

" Now the question follows what punishment can human Laws inflict on one [a *Felo de se*] who has withdrawn himself from their reach? They can only act upon what he has left behind him, his reputation and fortune: on the former, until very lately, by an ignominious Buri-

al in the Highway, with a stake driven through his body; but now by Stat. 4 *Geo.* IV. *c.* 52, by a private Burial in a Church-yard within twenty-four hours after the inquisition, and between the hours of nine and twelve at Night, and without the Rites of Christian Burial; on the latter, by a Forfeiture of all his Goods and Chattels to the King: hoping that his care for either his own reputation, or the welfare of his family, would be some motive to restrain him from so desperate and wicked an act."

"The Commander-in-Chief is pleased to direct, that Soldiers of sane mind, who commit Suicide, shall be interred in the consecrated Burying Ground, after nightfall, but without Funeral Rites, or any Military Honors whatever."

General Order by the *Commander-in-Chief*, 24 Sept. 1829.

Rogers's Eccl. Law, pp. 126, 127. *Lond.* 1849.

"Before a Clergyman can be considered under the 68th *Canon* for refusing or delaying to bury a dead body of a Parishioner brought to the Church-yard, it must be proved that convenient warning was beforehand given him of the intention to bring the Corpse : what is convenient warning must in every case depend on its own peculiar circumstances. *Titchmarsh* v. *Chapman*, 1 *Roberts.* 175."

Bp. *Wilson's* 61st Suggestion.

"Funerals are to be appointed at Sun-rise and Sun-set, and the Clergyman is to attend at the latter time, Sun-set, if he receive notice of a Funeral before three o'clock of the same afternoon ; but if the notice arrives after that hour, the Interment is to take place on the following Morning. Cases, however, may occur

which may require a deviation from the general rule."

"His Excellency the Right Honorable the Commander-in-Chief, considering it desirable that an hour should be fixed for the Interment of deceased Non-commissioned Officers and Soldiers, directs that such Military Funerals shall take place at Sun-rising in the Morning, and half an hour before Sun-setting in the Evening, as being the most convenient time for all Parties who have to attend."

Adjutant General's Cir. No. 367, 13 Feb. 1847.

"I have found it necessary to recommend that the bodies of the Departed should not be carried into Churches in this torrid climate, to the danger of the Survivors."

Bp. *Wilson's* Charge at his 7th Visitation, p. 33. *Calcut.* 1855.

General Order by the *Commander-in-Chief*, 31 Jan. 1853.

" Under instructions from Government, the Commander-in-Chief is pleased to direct, that Officers Commanding Divisions and Stations will put a stop to the objectionable and dangerous practice, which it appears at present obtains in some Cantonments, of carrying the Bodies of deceased Persons into the Church previous to Interment."

Military Regulations, Sec. xxxviii, Art. 56.

" Military Honors are not to be observed at the Funerals of any except Military Persons."

Chapter XXVII.

Burial Grounds.

" The like care they [the Church-wardens] shall take that the Church-yards be well and sufficiently repaired, fenced and maintained with Walls, Rails, or Pales, as have been in each place accustomed, at their charges unto whom by Law the same appertaineth." *Canon* lxxxv.

" 2. With regard to the claim of the Executive Officer at Mhow, the Lord Bishop has been apprized, that the Governor-General in Council is of opinion, that the Chaplain of the Station ought to have charge of the Burial Ground as well as the Church, and that he should exercise a general control over the erection of Monuments and Tombstones :

Letter of Sec. of *Govt. of India*, Mil. Dept. to the late *Military Board*, No. 441, 22 Sept. 1848.

that no Fee need be required for the erection of a Monument over a Grave, and it should be distinctly understood, that it is not optional with the Clergyman to give or withhold the Key of the Burial Ground, which must be opened whenever it is required for purposes of interment, by Europeans, or Christians of whatever Sect or Denomination."

"3. The Lord Bishop has also been informed that in respect to ground that has been consecrated by him, or ground which may be set apart hereafter at a Station for the purpose of Burial, it is desirable that a sufficient portion should be reserved for the use of Dissenters."

Proceedings and Res. of *Govt. of India,*

"Para. 13. In respect to Burial Grounds, the Governor-General in Coun-

cil observes, that Orders were recently issued for setting aside a portion of land in the Military Burial Ground at Bhowaneepore, and in the New Circular Road Burial Ground, for the interment of persons of the Roman Catholic persuasion." **Home Dept. (*Eccl.*) 28 Feb. 1856.**

"14. His Lordship in Council is now pleased to resolve, that a separate portion of ground in all Military Burial Grounds shall, in like manner, be set apart exclusively for Roman Catholics, with the option of consecrating it according to their Rites; but no interference is to be exercised with regard to Burial Grounds which have been already specially assigned for the use of other Denominations of Christians, or which have been consecrated accord-

ing to the Rites of the Church of England."

Letter of *Govt. of India*, Home Dept. (*Eccl.*) 24 March 1849, to Bp. *Wilson*.

"The Government would add, with reference to para. 6 of your Lordship's letter, that it is not desirable that the portion of ground added or reserved within the Burial Grounds for those who are not of the Church of England should be fenced off, or that it should have a separate door. It does not appear to the Government that there should be any such separation. The Government, in providing ground for the interment of its Servants, or those who die under its Rule, should set apart a space sufficient to contain all."

Letter of *Govt. N. W. P.* No.

"The Lieutenant-Governor considers, that in all such Stations as Futtehpore,

where there is no resident Chaplain, the Magistrate is the Officer responsible to the Government for the safe custody of the Burial Ground." 72a, 23 Jan. 1856, to Adn. *Pratt*, and Comm. by him.

" The following Circular Order recently issued by the Government of the North-Western Provinces and adopted by this Government, is published for the information and guidance of the Superintendents of Police and Magistrates in the Bengal Division of the Presidency." Notification of *Govt. of Bengal*, 29 Dec. 1853.

' No. 2177 of 1853.

' To the Commissioner of ______

Dated 25th November 1853.'

' SIR,—I am directed by the Hon'ble the Lieutenant Governor to forward for your information

" 5. It has been ruled by Government more than once, that the Burial Grounds are under the care of the Chaplains.

The Chowkeydars who have the charge of them are on the Church Establishment, and are paid by Government through the Chaplain. The Chaplain keeps the key, and points out to the proper Officer when the walls need repairing, and the remains of decayed tombs need removing. It is his duty to see that the Cemetery is kept in proper order ; that rubbish is not left by persons admitted to erect monuments ; that no improper inscriptions are put upon the tombs ; that too great space is not occupied by needlessly large monuments, lest the ground be speedily covered."

"6. To carry this out it is necessary that the Chaplain should have some kind of authority within the Cemetery, and should have the power of excluding, or procuring the exclusion of, persons who will not conform to such regulations as are necessary to

the accompanying extract of a letter (paras. 5 to 8) from the Archdeacon of Calcutta, dated the 1st Instant, relative to the observance of certain rules regarding the care and control of Burial Grounds.'

'2nd. His Honor requests that you will direct the Magistrates in your Division to give aid to the Chaplain for the purpose therein

enable the Chaplain to do his duty."

"7. In the case of Mr. ———, Mr. ——— had on one occasion some trouble in getting him to clear away the rubbish which his workmen had left behind. This was the commencement of their difference; although Mr. ——— exceeded his powers, his conduct here admits of some palliation, and at any rate points out the necessity of there being some authority at hand to restrain such as do not conform to rules."

"8. The Bishop would therefore recommend that as the Chaplain has the general care of the Burial Ground for the purposes specified in para. 5, he should in cases of emergency report to the Senior Civil or Military Officer of the Station, as the case may be, the irregular conduct of any undertaker who persists in practices which thwart the Chaplain in the performance of his duty; and that on obtain-

stated when satisfied of the propriety of a provisional exclusion of any particular party, who does not confirm to rules laid down by the Chaplains for the due order and care of the Burial Grounds.'

'3rd. Cases of difference of opinion between the Magistrate and the Chaplain, should any such occur, may be submitted for your decision; and

ing his concurrence he should have the power of excluding him from the Cemetery till he give satisfactory guarantee that for the future he will conform."

the Chaplain, if dissatisfied with your opinion, can state the circumstances for the information of the Lord Bishop of Calcutta, who will, should he think fit, bring them under the notice of Government.' '(Sd), W. Muir, *Sec. to Govt. N.W.P.*'"

General Order of the *Commander-in-Chief,* 20 Jan. 1854.

"It having been brought to the notice of His Excellency the Commander-in-Chief that Undertakers, or other Persons allowed to erect Monuments in Burial Grounds, have on some occasions refused to remove rubbish left there by the workmen they have employed, His Excellency is pleased, with the sanction of Government, to direct that the Chaplain

of the Station or District, or the Officer entrusted with the care of a Burial Ground in any Military Cantonment, whose duty it is to lay down such Rules as may be necessary to ensure its being kept in proper order, shall have the power, with the concurrence of the Officer Commanding at the Station, of refusing permission to erect any Tomb or Monument, or construct any Vault in the same, to any Person, who will not promise to conform to those Rules, or in the case of any one who has formerly failed to do so, until he shall give satisfactory guarantee that he will conform to them."

"2. In the event of any difference of opinion between the Chaplain and the Officer Commanding at the Station, it

will be the duty of the latter to submit the case for the decision of the Officer Commanding the Division; and the Chaplain, if still dissatisfied, can report the circumstance to his Ecclesiastical Superior, for the Orders of Government if necessary."

Letter of *Govt. of India, For.* Dept. to *Chief Commr. for the Punjab*, 15 Nov. 1854.

"The repairs to the Cemeteries in the Punjab will be made by the Department of Public Works on the requisition of the Chaplains in whose immediate charge the Cemeteries are."

Letter of *Govt. N.W.P. Genl.* Dept. to the late *Military Board*, 20 April 1854.

"The Grass growing in the Burial Grounds and Church-yards, ought certainly not to be regarded as private property or perquisite, but it will be most proper to leave the sale of it to the Reverend Chaplains, who have the general care of

the Burial Grounds, with the view to the proceeds being employed by them towards the conservation and orderly keeping up of the Enclosures, Walks, &c., an object which requires frequent slight outlays."

" The above Orders have been adopted by the Lieutenant-Governor of Bengal, as applicable to the Lower Provinces also." Bp. *Wilson's* Circular, 30 June 1854.

Chapter XXVIII.

Ecclesiastical Registers.

" Parish Registers began to be kept in the thirtieth year of *Henry VIII.* The practice is said to have been adopted at the instigation of Lord *Cromwell*, who was at that time Vicar General. The keep- *Phillipps's* Law of Evidence, p, 594. *Lond.* 1838.

ing of Parish Registers was enforced by injunctions of *Edward VI,* and Queen *Elizabeth,* and also by one [70th] of the *Ecclesiastical Canons,* A. D. 1603. The practice first received the sanction of an Act of Parliament, by the Statute 6 & 7 *W. III. c.* 6."

Burn's Eccl. Law, *Phillimore's* Edit. vol. iii p. 471, *Lond.* 1842.

"Before the establishment of a National *Civil* Registration, [by the Statute of the 3 & 4 *Vict. c.* 92.] neither in the Ecclesiastical nor in the Temporal Courts were *copies* of Registries of Dissenting Chapels, or of Records not preserved in legally recognized Official custody, allowed to be pleaded as evidence."

Phillipps's Law of Evidence, vol. ii. pp. 166, 110,

"Parish Registers may be proved by examined Copies, which need not be stamped."

" Parochial Registers are considered evidence, that the transactions required to be recorded in them, occurred on the days specified in the Register." and 181. *Lond.* 1843.

" A Minister's Entry of a Baptism, which took place before he became Minister, and of which he received information from the Parish Clerk, is not admissible; nor is the private Memorandum made by the Clerk who was present at that Baptism."

" Parish Registers are for some purposes considered as Public Books ; and Persons interested have a *right* to inspect, and take Copies of such parts as relate to their interest."

" Provided that it shall be lawful for the Governor-General of India in Coun- 14 & 15 *Vict.* cap. xl. sec. xxi.

cil, from time to time, by Laws and Regulations to be made as aforesaid, to provide for the Registration of any Marriages solemnized in India by Persons in Holy Orders, or of any Marriages there solemnized under the Provisions of the said Act of the fifty-eighth year of King *George* the Third, Chapter eighty-four, or of any other Marriages there solemnized, of which it may appear to the said Governor-General in Council desirable that evidence should be transmitted to England, and to provide for the care and custody of the Registers of such Marriages, and for the transmission of Certificates thereof to the Secretaries of the Governments of the respective Presidencies, or to other Officers, and for their sending the same to the Secretary of

the East India Company, for the purpose of being delivered to the Registrar-General of Births, Deaths, and Marriages, in England, and also to provide for the authentication of such Certificates." *Act for Marriages in India, passed in* 1851.

The Forms of Registers of *Baptisms, Marriages* and *Burials* which are, now in use throughout the several Presidencies and Provinces of British India, by Order of the Governor-General of India in Council, will be seen in the annexed page.

Mr. Ecclesiastical Registrar *Abbott's* Suggestions. Sept. 1854.

"Every Government Church or Station will continue, as at present, to be supplied, on application, through the Officiating Minister or Chaplain, with three separate Books as above, of proper size, namely, one for the Registry of Bap-

tisms, one for the Registry of Marriages, and one for the Registry of Burials."

"Each of these Books to be carefully lithographed or printed, and each page to be headed and ruled in divisions or compartments, in conformity with the Forms prescribed and set forth."

"That, with reference to these Books, every Minister, when requested to perform any of the Ministrations to be thus entered, do, before the Ceremony, require the Parties interested, either to state to him personally, or to deliver to him or the Clerk, a Memorandum containing the full particulars necessary, to enable him as the Minister, to prepare the proper Register."

"The Entry in each compartment to be independent and complete in itself, by the insertion of the Year, Month, and Day. The Names in full, and Description of Parties, as set forth, and to be signed in the last column by the Officiating Minister."

"The Register Books to be in the custody and keeping of the Minister of the Church or Station, or in case of avoidance or absence, to be made over or placed in mean while with the Magistrate or other Chief Authority of the Station."

"As each Book is filled, the same (except at the Presidency Churches,) to be forwarded to the Registrar, to be deposited in the Bishop's Registry at Calcutta, for general reference."

"That, with the view of avoiding any omission or mistake, and of rendering the proper Entries in these Books as correct as possible, as to Dates and Names or otherwise, the Parties interested therein be required by the Minister to inspect and examine at the time or after the Ceremony such Entry, and any error pointed out in the spelling of the Proper Names or otherwise, be corrected by the Minister *immediately*, and in the *presence* of such Parties."

"That, should the Parties concerned in any Entry, not avail themselves of such requisition, and should fail to examine carefully such Entry, or to point out any error at the time aforesaid, they, or others in their behalf, be allowed to inspect the

Registers during the existing and following Quarter without Fee."

"That, upon such after-examination, should any error be detected, the same be pointed out to the Minister, who, if satisfied as to such mistake, shall then, in the *presence* of at least one of the principal Parties or at the request in writing of such Party, correct such mistake, signing his own initials as Minister against the same, in the Margin of the Register."

"That, should the Returns have been already forwarded for the particular Quarter, containing such error, the Minister shall, with his next immediate Quarterly Returns and not afterwards, forward an amended Return of such corrected Entry, to be transmitted to Go-

vernment with the then General Returns. Such amended Return to be final. After which period, namely, the Quarter next following that within which the mistake occurred, no correction or alteration whatever shall be permitted to take place."

"That, a Notice be placed up in some conspicuous part of every Church of this Rule, and of the Period thus allowed the Parties to examine the correctness of any Entry, in which they are concerned; and the Clergy are also required to bring the Rule in question prominently to the attention of the Parties interested, previous to, or immediately after, the performance of the Ceremony."

"In the case of a Burial beyond the immediate Station of the Minister, or at

a distant place, considered as attached to the Local Charge, or as nearest to the Chaplaincy, when the Service is read by a Layman or other proper Functionary on the spot, or is performed by any other authorized Minister than the Minister of the Station, the Return of such Burial in the Form prescribed, is to be signed or attested by the Signature of the Person so Officiating, and to be forthwith transmitted to the Chaplain nearest, for the purpose of being copied and entered by him, in the Burial Register of the Station ; such Return to be entered as an Extra Return, and to be so entered with any others received during the existing Quarter and immediately after the last Entry of the Quarter : which extra Entries to be attested as follows :—' The fore-

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going Extra Returns have been officially received and registered by me as the Minister, during the above Quarter.' 'Signed A. B., Minister of———.'"

"The foregoing Mode of registering a Burial beyond the Station, is to supply, in the only way possible, the Defects arising from the still *anomalous* state of this Diocese."

"*The Quarterly Returns.*"

"The Quarterly attested Copies of the Registers, as transmitted to the Episcopal Registrar, being in the nature of Duplicate Registers, are to be continued to be made as now Quarterly, namely, from the 1st of January to the end of March, from the 1st of April to the end of June, from the 1st of July to the

end of September, and from the 1st day of October to the end of December. These Returns to be attested in the following Form and signed by the Minister:"

" 'I hereby certify, that the foregoing Returns of Marriages, Baptisms, or Burials [as the case may be] are true Copies of the Entries in the Register of [Marriages, Baptisms, or Burials, as may be] belonging to and kept at the Church or Station of——in the Archdeaconry of Calcutta, as therein entered, (from the first day of ————————to the————day of———) being the First (or any other Quarter as may be) in the Year of our Lord 18——.'

'Witness my hand this—day of——
18——. A. B.'

'*Minister and Chaplain.*'"

"These Returns to be made out separately as to Marriages, Baptisms & Burials, and verified and attested respectively."

"In case of no Ministrations being performed during the Quarter, such fact to be always certified by the Minister to the Registrar."

"With the view to facilitate these Returns and their general correctness, a sufficient number of Printed Sheets will be supplied periodically by the Government to each Minister, commencing from 1855."

"The Ministers requiring such Forms to apply by letter to the Registrar. Such application to be made once only in every year, unless upon any unexpected emergency, to be satisfactorily explained. The application to set forth the probable num-

ber of Sheets or Forms required for the year, or any further period."

"All such Returns, when completed, to be transmitted to the Registrar, on Service, within a month from the expiration of every Quarter."

"The Minister to preserve and keep the Forms thus to be supplied, in the Chest, with the Register Books, who will be careful in filling them up in a plain legible hand."

"Any Erasures or material Alterations in these Copies, to have the Initials of the Minister prefixed in the Margin, as having been made by him."

"In addition, the following directions of Archdeacon Dealtry, published in the *Gazette* in March 1843, on the subject of

the Returns, are given for continued observance."

" 'ECCLESIASTICAL.—Viewing the importance to the Public of the regularity and completeness of the Official Returns of the Clergy, it is, with the approbation of Government, in future directed by the Archdeacon,'

'That any Chaplain or Minister, applying for any permanent Leave of Absence from his Station, or to retire on Furlough, shall forward with his application a Declaration, that he has duly made his Official Returns to the Registrar, or is prepared to do so, to the Date up to which he requests to be permitted so to be absent or to retire.'

'That the same Rule is to apply to those removed from one Station to another, and that every Chaplain so removed shall, before quitting his Station, not only forward his Returns up to the ***Date of leaving***, but forward a Declaration to the Authorities that he has done so.'

'That in case of the death of a Chaplain at his Station, especially so if at a remote distance, a Copy of the Returns from the date of his last Quarterly Returns to the period of his Demise be made out by the Clerk, or other Local Public Authority, in whose Official possession the Original Public Registers may happen for the time to be lodged or come, and be immediately forwarded by such Local Officer to the Registrar, the same being also duly examined

and verified under the Signature of the Chief Lay Public Authority of the Station as being the best mode at present of supplying such, so as to complete the General Quarterly Returns, transmitted home by the Orders of the Court of Directors.—*Government Gazette, 31st March* 1843.' "

Mr. Commissary *Fisher's* Circular, 18 Sept. 1854.

" The foregoing Suggestions as to the Registers and Returns having been approved both by the Supreme Government and the Bishop, the Commissary is desired to add, that any unauthorized deviation of them, or any repetition of irregularity, is to be submitted by the Registrar to the Bishop, and that his Lordship will, considering the *important interests* involved, proceed to pass such Admonition or Sentence, or take such other Steps, as the case may seem to call for and justify."

" On the arrival of every Clergyman at his Station, he will be so good as to ascertain up to what period the Returns of the Registers have been made, and if any broken period remains of the last Quarter, to immediately make the Return to the Ecclesiastical Registrar accordingly." Bp. *Wilson's* 93rd Suggestion.

" A Register is to be kept in every Regiment and Battalion in which the Marriage of every Non-commissioned Officer and Private, and the Baptism and Age of every legitimate Child born of Parents belonging to such Regiment or Battalion are to be recorded, and each Registry is to be certified by the Signature of the Adjutant." *The Queen's Regulations and Orders,* pp. 317 & 316. *Lond.* 1844.

" Should the Marriage have taken place in some Parochial Church, or by a Cler-

gyman not usually officiating to the Troops, the Soldier is to apply at the time for a Certificate of his Marriage, and it is to be recorded in the same way as before ordered, when Marriages take place in Great Britain."

"In Great Britain a Soldier's Marriage is not likely at any time to be solemnized by a Chaplain to the Forces; the Soldier therefore is to be specially ordered to ask, at the time of Marriage, for a Certificate from the Officiating Clergyman, which he is to bring to his Adjutant, to be inserted in the Regimental Register, according to the Form prescribed in this Order, and the Adjutant is to sign his name to every such Registry, as giving the contents of the Certificate produced."

"His Excellency the Commander-in-Chief is pleased to direct, in view to the fulfilment of His Royal Highness's Commands, as contained in G. O., dated, Horse Guards, 24th May 1824, that the Marriage and Baptismal Certificates called for from H. M.'s Corps abroad, be regularly prepared, in conformity with the Regulations on this head, from the Regimental Book of Registers, to be forwarded half-yearly, viz. 1st January and 1st July, by Officers Commanding Regiments, there being no Chaplain belonging to H. M.'s Army in India, to the Adjutant General H. M.'s Forces, from whose Office the same will be transmitted to the Chaplain General in England."

General Order of the *Commander-in-Chief to H. M.'s* Troops, 3 May 1825.

"All Marriage Certificates of Europeans, being Soldiers, or Persons employ-

Bp. *Wilson's* 87th and 53rd

Suggestions.

ed in the Military Department under the rank of Commissioned Officers, shall specify distinctly the Birth of the Female whether European, Indo-British, or Native."

"The publication of Banns is to be regularly entered in a Register, kept for that purpose, in the following Form: 'The Banns of Marriage between *A.* and *B.* were published for the 1st, 2nd, or 3rd time in this Church, (or at this Station,) on Sunday the——day of———in the year of our LORD.'"

Chapter XXIX.

Station Record-Book.

" A Record-Book is to be kept by the Chaplain in each Station for entering Ecclesiastical Notices, Proceedings and Correspondence ; and also for recording the Spiritual Duties performed on Sundays and other Days of solemn Observance."

Bp. *Wilson's* 18th, 19th, 21st, & 22nd Suggestions and the *Post-scriptum* thereto.

" The Duties recorded will include those of Morning and Evening Service on Sundays and other times, in his Station and Out-Stations ; the average number of Congregation ; the number of Communicants ; and also the visits to Schools and Hospitals, and Prisons, if there be any."

" The Chaplain will enter in the Record-Book, the date of the building, en-

closing, and consecration of the Church and Cemetery, and also a List of the Church-Plate, Church-Books and Vestments, &c., which belong to the Station."

"An Abstract of the Entries in the two Departments of Correspondence and Register of Spiritual Duties is to be sent Quarterly to the Bishop's Chaplain under cover to the Bishop."

"Each Chaplain will mention in his Extracts from his Record-Book the Day, in each Quarter of the Year, on which he despatched the Copy of the Registers to the Registrar."

Chapter XXX.

Official Correspondence.

"Resolved, that all Official Correspondence relating to the duties or concerns of the Clergy, be in future carried on with the Lord Bishop, or, in his absence, with the Archdeacons of the respective Presidencies, and that all such Correspondence be in future recorded separately in the Public Department, under the head of 'Ecclesiastical Proceedings.'" *Proceedings of the Governor-General in Council in the Public Department*, 1*st Nov.* 1815.

Government Gazette, 14 Dec. 1815.

"To enable the Archdeacon to fulfil the charge entrusted to him, I have to request, on his behalf, that he may have the privilege of corresponding directly

Bp. *Turner's* Letter to the *Supreme Govt.* 22 Jan. 1830.

with the Ecclesiastical Department of the Government, and, further, that he may be allowed to receive and send Letters *free of postage* to Chaplains within the Archdeaconry."

Reply of the *Supreme Govt.* dated 2 Feb. 1830, to Bp. *Turner's* Letter of 22 Jan. 1830.

"2nd. It will afford his Lordship in Council much satisfaction to receive direct Communications through this [the Ecclesiastical] Department from the Archdeacon as suggested by you, and the Post Master General will be instructed to pass *free of postage* all Letters franked by him to Chaplains within the Archdeaconry, or to his address coming from those Officers."

Circular of Mr. Ecclesiastical Registrar

"In all matters required to be laid before the Government, or relating to their Stations, the Clergy are requested

tinction between T[illegible] & Spiritual

to correspond with the Archdeacon, who is his Lordship's Commissary, but in reference to all matters of a *spiritual* nature, connected with the performance of their Official or Ministerial Duties requiring his Lordship's advice or direction they will communicate direct with himself." *Abbott*, 19 Feb. 1830.

"The attention of the Reverend Chaplains and Assistant Chaplains in the North-Western Provinces, is requested to the existing Rules, which require that all Correspondence between them and the Government shall take place through the Channel of the Bishop or the Archdeacon. No Application can be attended to, which is transmitted to Government direct, except under *very special* circumstances." Order of the *Govt. N.W.P.*, *Eccl.* Dept. 25 June 1846.

Chapter XXXI.

Memorials to the Honorable the Court of Directors.

Order of *Govt.* 25 March 1789.

"The Governments in this country are the regular Channels for the transmission to the Court of Directors of Statements of any real Hardships, which Officers may suffer, and his Lordship is confident, that they will always be received with great attention, and that every proper exertion will be made to afford Redress by the Honorable Court."

Court of Directors' Desp. *Publ.* Dept. 18 June 1834.

"Para. 1. Several instances have recently occurred, in which we have been subjected to very heavy charges for the Postage of Letters and Memorials addressed to the Chairman and Deputy Chairman and individual Members of the Court by our Servants in India and Others."

"2. Having constituted our Local Governments the only legitimate Medium of Communication between our Servants abroad and the Home Authorities, and considering it indispensable to adhere to this wholesome Regulation, which, whilst it secures our Officers against any prejudicial delay in the transmission of their Memorials, enables our Governments, at the same time, to furnish us with full information, together with their Remarks and Opinion in each case. We desire it to be notified to the Service at large, that any Departure from the Rule will meet with our Disapprobation, and that in every instance which may occur after this Notice, we shall call on the respective parties for Reimbursement of the Expense, to which we shall have been

thus unauthorizedly and uselessly subjected."

Court of Directors' Desp. *Judl.* Dept, No. 9 of 1845.

"All Members of the Public Service have full liberty to address the Honorable Court on the subject of their *personal* Grievances, and to annex to their Memorials any Official Documents, which they may consider necessary for their purpose. But the Printing or Circulation of such Memorials or Documents is strictly prohibited."

Chapter XXXII.

Post Office Rules applicable to Chaplains in their Official Capacity.

Post Office Act. No. XVII. of 1854.

"Letters and Packets on the Public Service, certified to be such by the Signature of any Public Officer, authorized in that behalf by the Gover-

General of India in Council, shall be forwarded by the Post as if they were duly Stamped." *Sec.* xlvi.

"Every Person who shall, for the purpose of defrauding the Post Office Revenue, wilfully certify by writing, on any Official or other Letter or Packet, delivered at any Post Office for conveyance by Post, that which is not true in respect of such Letter or Packet, or in respect of the whole of its contents, shall, for every such Offence, forfeit a sum not exceeding Five Hundred Rupees." *Sec.* xlvii.

Chaplains and Assistant Chaplains at Out-Stations are authorized to send Letters and Returns, *bonâ fide* and *exclusively* on the Public Service, relating to the business of their Department, without actual Payment of Postage, to the *Bishop*,

Vide *List* No. II, and Sec. xxxvi of the *Post Office Rules*, 12 Aug. 1854.

Archdeacon or *Registrar ;* and the Domestic Chaplain to the Bishop, to the *Bishop.*

The following is the Form Address of a Letter to the Archdeacon of Calcutta.

On the Public Service only.

The Venerable

The Archdeacon of Calcutta,

Calcutta.

H. S. Fisher,

Chaplain of Darjeeling.

Letter of *Govt. of India,* Home Dept. to Mr. Commissary *Fisher*, 25.

"The Hon'ble the President in Council cannot see sufficient reason for allowing Chaplains to send their Letters to the Civil Auditors of Bengal and the

North-Western Provinces *free of charge,* in the same manner as they are now permitted to send their Letters, *bonâ fide* on the Public Service, to the Archdeacon and to the Registrar of the Diocese." May 1855. Comm. by Adn. *Pratt.*

"Officers and other Public Servants proceeding on Leave, if they desire to report their Departure to any Officer or Department (except a Secretary to Government) and have occasion to send such Reports through the Post Office, shall either prepay the Postage due thereon, or send them to an Agent by whom they can be delivered free of charge to the Office to which they are addressed. *Govt. of India,* Home Dept. 13 July 1855.

"No Public Officer is authorized to send Covers on the Public Service by Post without payment of Postage, unless he is

at the time on *active duty,* and in charge of the Office by virtue of which the Privilege is enjoyed. All Letters superscribed 'On the Public Service only' must, even though the Postage thereon be not paid, be received and opened by the Officer to whom they are addressed; but if such unpaid or partially paid Letter so superscribed, and addressed to any Officer, except a Secretary to Government, be found, when opened, to be a Report of Departure, or otherwise to relate to the *private affairs* of the Sender, the Postage will be debited to him, and he will be further liable to be dealt with under Section 47, Act No. XVII of 1854."

Chapter XXXIII.
Ecclesiastical Censures.

Persons in Holy Orders are, " by Ecclesiastical Law, liable to be punished and corrected for loose, immoral, and profane Conduct; for irreligious Language; for irregularity in the discharge of Duty; and preaching and maintaining Doctrines contrary to the Articles of the Creed which they profess. For such things they may be called to account by their Ecclesiastical Superior, by whom, they may, if the Charges are proved against them, be punished by Admonition, Suspension, Degradation or Deprivation, as the case may require."

Rogers's Eccl. Law, p. 267. *Lond.* 1843.

Admonition is " the first Step of Ecclesiastical Censure. This part of the Episcopal Discipline always precedes Excom-

Hook's Church Dictionary. p. 10. *Lond.* 1852.

munication; which, however, must necessarily follow, if the Offender continue contumacious, and hardened in his Error or Crime."

Gibson's Codex, p. 1046. *Oxf.* 1761.

"Præsenti decreto statuimus, ut nec Prælati (nisi canonicâ Commonitione præmissâ) Suspensionis vel Excommunicationis Sententiam proferant in Subjectos, nisi forte talis sit culpa, quæ ipso suo genere Suspensionis, vel Excommunicationis pœnam inducat. *Extra. l.* 2. *t.* 28. *c.* 26."

Rogers's Eccl. Law p. 936. *Lond.* 1849.

"There are some Offences for which *Suspension* is the proper and specific Punishment, as for refusing to Bury after due Notice."

"So for Marrying without Banns or License, or at *unseasonable* hours, a Clergyman is to be Suspended for *three years*."

"In Archbishop *Arundel's* Register, mention is made of an Appeal from a Sentence of Suspension, as unjust, for Want of a Canonical *Monitio*."

Gibson's Codex, p. 1046. *Oxf.* 1761.

"With regard to the question of *summarily* revoking a License, this is laid down in this Edition of *Burn*, 2. page 74, and the 1st & 2nd *Vict. cap.* 106, *sec.* 98 confirms, and lays down the Manner; namely, that the Bishop, after giving sufficient Opportunity to the Party of showing Reason or Cause to the contrary, may without further Process revoke summarily any License. *Burn*, vol. iii. p. 507."

Letter of Mr. Ecclesiastical Registrar *Abbott* to Bp. *Wilson*, 27 May 1843. Comm. by Adn. *Pratt*.

"By parity of reasoning, I should say the same Practice may here be followed, particularly as an Appeal lies from the Bishop's Decision to the Archbishop."

"It appears, however, a very powerful and strong measure, and, I should think, would be dangerous to exercise, where Correction was the object, *without the best legal advice.*"

"I think an Admonition should always be first given. This not attended to, another, and then a Notice, that unless the Party alters or does that which is proper or required, the License would be suspended or revoked, unless *good cause* be shown by the Party."

"But for the Bishop *at once* to revoke without these Preliminary Steps, I should think would be very hazardous and most arbitrary."

Burn's Eccl. Law, vol, ii. p. "*Degradation* is an Ecclesiastical Censure, whereby a Clergyman is deprived

of his Holy Orders which formerly he had, as of Priest or Deacon." 139, *Phillimore's* Edit. *Lond.* 1842.

"*Deprivation* is an Ecclesiastical Censure, whereby a Clergyman is deprived of his Parsonage, Vicarage, or other Spiritual Promotion or Dignity." *Ibid.* vol. ii. p. 141.

The following are the Crimes to which *Deprivation* belongs by *Common Law*; such especially, as have been allowed and confirmed by the Temporal Courts." *Gibson's* Codex, p. 1068. *Oxf.* 1761.

"1. *Want of Orders.* 2. *Want of Abilities.* 3. *Want of Age.* 4. *Simony.* 5. *Infidelity* and *Miscreancy.* 6. *Incontinence.* 7. *Drunkenness.* 8. *Murder* and *Manslaughter.* 9. *Perjury.* 10. *Dilapidation.*"

Chapter XXXIV.

Tribunals to which Chaplains are amenable.

Court of Directors' Desp. *Mil.* Dept. 23 May 1827.

" Para. 3. When our Ecclesiastical Establishment was placed on the footing on which it now stands, it became a necessary part of the arrangement, that the Indian Clergy should be submitted to the General Superintendence of the Bishop, and rendered subject to the Ecclesiastical Jurisdiction for all Offences of Ecclesiastical Cognizance; but it was never intended to except this Portion of our Servants from the Jurisdiction of the Temporal Courts in the event of their being charged with any Offences of a Civil nature or any Crimes against the Peace and Well-being of Society."

"4. We wish it therefore to be distinctly understood, that the Chaplains on our Establishment are amenable to the Ecclesiastical Tribunals for such Offences only as would render the Clergy of the Established Church amenable to the Ecclesiastical Tribunals in England; and that for all other Offences, they are liable to be tried, as all other Europeans in India are, by the Ordinary Tribunals of the Country."

"5. If, however, the Offences should be committed out of the Jurisdiction of the Ordinary Courts and in places where the rest of the Community are subject to Military Law; in such a case, *and such a case alone*, we deem it right, that our Chaplains should be subject also to Military Law, for all Offences of Temporal Cognizance."

Commander-in-Chief's Genl. Orders, 1 Jan. 1848 & 16 Jan. 1850.

"Persons not amenable to the Articles of War, although residing within a Military Cantonment, are not subject to the Jurisdiction of Courts of Requests under the Provisions of Section 66 of Act 12 & 13 *Victoriæ, c.* 43."

Chapter XXXV.

Personal Exemptions and Privileges of Chaplains.

Rogers's Eccl. Law, p. 267. *Lond.* 1849.

"*Degge* says, 'The Laws of this [English] Realm have allowed the Clergy in 'Holy Orders many great Privileges: first, 'in their Persons, they are not compellable to serve in any Temporal Office, as 'Sheriff, Constable, or Overseer of the 'Poor. Neither can they be pressed to 'serve in the Wars; neither may they be

'arrested in the Church or Church-yard 'when they are attendant on Divine Wor-'ship.' This Privilege from Arrest for the purposes of Divine Worship extends also, *eundo et redeundo* as well as *morando*. Now made a Misdemeanor in the Party arresting, if he knew that the Clergyman was on his way to perform Divine Service. 9 *Geo.* IV. *c.* 31, *s.* 23. But it does not apply in Criminal Cases, except during the *continuance* of Divine Service."

Govt. of India Home Dept. 18 Jan. 1856.

"In explanation of the Orders of the Most Noble the Governor-General in Council, in the Foreign Department, dated the 25th August 1854, it is hereby notified, that all Medical Officers in the Service of Government are, as a *general rule,* entitled to remuneration for Professional Attendance, on the Families of

those Public Servants whom they are bound to attend *gratuitously*. An Exception is made in the case of the Families of Military Officers, Staff or Regimental, and of Chaplains and Assistant Chaplains ; but the Exception does not include the Families of Military Officers in Civil Employment."

Govt, of India, Home Dept. 15 Oct. 1852.

"It is hereby notified, for general information, that from and after the 1st January 1853, the *gratuitous* issue of Medicines, from the Hon'ble Company's Dispensaries, to Servants of Government stationed in the Presidency Towns of *Calcutta*, *Madras* and *Bombay*, will be discontinued. In all other places, at present, Medicines will continue to be dispensed *as heretofore*."

"The Most Noble the Governor-General in Council has been pleased to resolve, that Chaplains and Assistant Chaplains may be examined in the Oriental Languages by the Test prescribed for Military Officers as entitling them to a reward of One Thousand Rupees, and under the Rules and Conditions laid down in the Notification of the Government of Bengal, dated the 9th of March 1852, published in the *Calcutta Gazette* of the 17th idem." *Govt. of India*, Eccl. Dept. 25 Jan. 8551.

Chapter XXXVI.

Restraints and Disabilities to which Chaplains are subject.

"No Ecclesiastical Person shall at any time, other than for their honest necessaries, resort to any Taverns, or Ale-houses, *Canon* lxxv.

neither shall they board or lodge in any such places. Furthermore, they shall not give themselves to any base or servile labour, or to drinking or riot, spending their time idly by day or by night playing at Dice, Cards, or Tables, or any other unlawful Games ; but at all times convenient they shall hear or read somewhat of the Holy Scriptures, or shall occupy themselves with some honest Study or Exercise, always doing the things that appertain to honesty, and endeavouring to profit the Church of God.

Stephen's Commentaries, vol. iii. p. 5. *Lond.* 1853.

" No Spiritual Person " allowed to perform the duties of any Ecclesiastical Office, shall take to farm for occupation by himself, any Lands exceeding *eight acres in the whole,* without permission in

writing from the Bishop of the Diocese; nor shall such Spiritual Person, by himself or any other to his use, carry on any trade or dealing for Profit, unless it be carried on by more than *six* partners, or his share in it shall have devolved to him by Inheritance, or other such representative title as in the Act specified; and ever in these excepted cases it is illegal for him to act as Director or Managing Partner, or to carry on trade in Person." 1 & 2 *Vict. c.* 106. *ss.* 28, 29.

"*Sec.* 30, 1 & 2 *Vict. c.* 106, contains an exception in favour of a Spiritual Person engaged in keeping a School, or engaged in giving Instruction or Education for profit or reward; or in cases of articles bought *bonâ fide* to be consumed in his family though selling what he may *not*

Rogers's Eccl. Law, p. 276. *Lond.* 1849.

want at an advanced price ; or selling or disposing of Books by means of a Bookseller or Publisher ; or being Manager, Director, Partner, or Shareholder, in any Benefit or Fire or Life Assurance Society. Nevertheless, that no Spiritual Person shall buy or sell cattle, corn or other articles in person, in any Market, Fair, or place of Public Sale."

Supreme Govt. Order 31 Oct. 1821.

"His Excellency the Governor-General in Council is pleased to prohibit in future, all sales, purchases and transfers, between the Civil and Military Servants of Government, on the one hand, and Natives of the description above noticed, [Foreign Princes and Chiefs, or to Natives of Rank or Opulence under the protection of the British Government] on the other, of

Grounds, Plate, Furniture, and generally, every description of Private Property, exceeding the value of Five Thousand (5,000) Rupees, without the sanction of Government being previously obtained, under such penalties, as the circumstances of each particular case of disobedience to these Orders may demand."

"The Governor-General in Council takes, this opportunity of adverting to the Resolution passed in the Political Department, under date the 17th September 1813, and published in General Orders of the 18th of the same month, cautioning all Civil and Military Officers of Government against carrying on any Communications with Native Princes or Chiefs, or their Vakeels, except through

the Channel of the Political Agents of Government; and of renewing the Orders for the strictest observance of this caution in future."

Govt. of India For. Dept. 2 Feb. 1856.

"His Lordship in Council is strongly impressed with a sense of the necessity for discouraging, as much as possible, Pecuniary Dealings of every description between Public Officers and Natives, under their Authority or residing within their Jurisdiction, or in their Vicinity, and the permission of Government will never be given to any transaction of the kind, if it should appear to afford even a plausible ground for Suspicion of improper Motives on the part either of the Buyer or the Seller."

Letter of *a Govt, of India,*

"The Most Noble the Governor-General of India has ordered all Chaplains in

the Service of the Honorable Company to be guided by the Principles of the Rules laid down for Civil Servants in the Regulations of the Bengal Presidency in the Margin."

Sec. ii Reg. xxxviii of 1793.
Regulation xxi. of 1814.
Regulation vii of 1823.

to Bp *Wilson*, 19 Nov, 1852.

By Section II of Regulation XXXVIII of 1793, "Covenanted Servants of the Company employed in the Administration of Justice, or the Collection of Revenue, are prohibited from lending money to Proprietors or Farmers of Land, dependent *Talookdars*, Under Farmers, or *Ryots*, or their Sureties."

By Regulation XXI of 1814 "the Zillah and City Judges, and Collectors of the Public Revenue are forbidden to em-

ploy their Native Creditors on their respective Establishments.' '

Regulation VII. of 1823 "prohibits Loans by Covenanted Civil Servants from persons subject to their Official authority and influence."

Govt. of India, Home Dept. 28 May 1852.

"All Servants of the East India Company, whether Civil or Military, Covenanted or Uncovenanted, are strictly prohibited from taking any part in the management of Banks in India, or from being connected with Banks, or other Trading Companies, except as simple Shareholders, the only exception to this Rule being in favour of Ex-Officio Directors, or Secretaries of Government Banks at the three Presidencies."

Military Regulations, Sec. xiv. Art. 17.

"Chaplains are prohibited from entering into Religious discussions with Native

Soldiers, or visiting their Lines for that purpose."

" It rests with you to determine, with such local information as you may possess, whether any Engagements which our Officers may form in connexion with the Press are consistent with the Discharge of their primary Duties to Government, and are free from the objection of affording an inconvenient Precedent for other cases."

Court of Directors' Desp. to *Gov. General in Council,* 11 May 1853. Comm. by Adn. *Pratt.*

Chapter XXXVII.

Out-Stations, and Allowances granted to Chaplains for visiting them, and for journeying to the Presidency to attend the Bishop's Visitations.

" 2. You are authorized in future to pass all Bills [for Chaplain's visits to

Letter. No. 1171, of the *Govt. N. W. P.*

to the Agra Civil auditor, 3 *June* 1844.

Out-Stations] drawn on the Lord Bishop's authority."

Bp. *Wilson's* 73rd and 74th Suggestions.

"The Government having authorized the payment of Travelling Expenses for visiting Out-Stations, the Reverend Chaplains will make those visits as directed by the Bishop, and register the Duties in their Station Record Books, and include them in their Quarterly Returns to the Bishop."

"They will also suggest such alterations in the Stations, and the number and length of visits to them, as may seem to them expedient. Where there are two Chaplains, they will visit the Out-Stations alternately."

Supreme Govt. Eccl,

"When a Chaplain purposes to quit his principal Station for the occasion of

visiting any of his appointed smaller Stations, he must give timely notice to the Chief Military and Civil Resident Authorities, in order that if there be any *cogent* reasons against the Absence of the Chaplain, they may be submitted to the Governor-General in Council." Dept. 17 Feb. 1834.

The Rule of Travelling Allowance laid down in the following Order of the Supreme Government, was re-established by the Resolution passed by the *Government of India*, in the *Financial* Department, on the 21st December 1855.

"The Hon'ble the Vice-President in Council is pleased to resolve, in supercession of the Rule passed under date the 19th July 1831, permitting Chaplains to draw a Travelling Allowance, accord- *Supreme Govt.* Res. *Genl.* Dept. (*Eccl.*) 18 Dec. 1832.

ing to the Rates fixed at the General Post Office, for visiting Out-Stations, that hereafter an Extra Allowance not to exceed 200 Rupees per mensem shall be paid to the District Chaplains of the Bengal Presidency upon periodical visitations, when these have been duly authorized, and that it shall be calculated at the rate of *one day's allowance* for *every ten miles*, allowing for a *halt* on the *Sabbath ;* provided, however, the Allowance drawn on this account shall in no case exceed 200 Rupees per mensem. The Bills for this Allowance are to be authenticated by a Copy of the Order or Authority under which the visit has been made, and by a Declaration on the part of the Chaplain that the Journey *has been* performed, without which Documents the

Civil Auditor is prohibited from passing the Charges."

The Civil Auditor of Agra is authorized to pass the Bills of the Chaplains of Delhi and Mhow for visiting their respective Out-Stations, at the rate of *twelve* annas per mile.

Vide Directions of the *Govt. N. W. P.* to *Agra Civil Auditor*,* 14 Jan. 1854 and 19 July 1855.

" The Lieutenant-Governor is of opinion, that Chaplains should be included in the List of the Officers, entitled to occupy the Circuit Houses at the Out-Stations, which they are required to visit, in the course of their Duty, when they are not already occupied, or immediately re-

Letter of *Govt. of Bengal* to the *Com.* of the *Cuttack* Division, No. 1580, 29 April 1856. *Comm.* by Adn. *Pratt.*

* The Compiler has very great pleasure in gratefully acknowledging, that, in the preparation of this Chapter, and of Chapters ix, xl, xli, xlii, xliii, and xlv, he received considerable aid from Mr. *James Eede*, Assistant to the Civil Auditor, N. W. P.

quired, by Officers of Higher Rank or Standing, a circumstance which the Chaplain should always endeavour to *ascertain* by a reference to the Magistrate in whose charge the Circuit Houses are now placed. It will also rest with the Chaplain to make use of any of the Rooms for the performance of Divine Service, if it appears to him desirable to do so."

Court of Directors' Desp. *Finl.* Dep^t. No. 84, 17 Sept. 1856.

"Chaplains and Assistant Chaplains when obliged to leave their Stations, under Citations from the Bishop to attend his Visitations at the Presidency, are clearly entitled to draw a Travelling Allowance, and the authorized rate of 8 annas a mile would, probably, not cover the expenses on these occasions: we think, however, that it will be sufficient in such cases to fix the Allowance at Rupees 5 per Diem."

Chapter XXXVIII.

Appointments to Hill Stations; How obtained, and for What Periods.

" The Hon'ble the Deputy-Governor of Bengal, with the sanction of the Hon'ble the President in Council, has been pleased to direct, that the following Rule [of the 1st July 1846,] under which Chaplains on Leave of Absence, on Medical Certificate, may be nominated to the Charge of Sanataria, in the North-Western Provinces, shall be applicable in future to the Sanatarium of Darjeeling." Notification of *Govt. of Bengal* 9 Jan. 1852.

' The duties of the other Hill Stations will be performed by Chaplains, on Leave of Absence upon Medical Certificate, who will be nominated to the charge on the recommendation of the Lord Bishop or Archdeacon. While thus

doing Duty, the Chaplains will be exempted from any reduction of Salary ; but in all other respects they will be considered as Absent on Leave. The Period during which they can enjoy exemption from loss of Salary, is consequently *limited to two years,* and any prolongation of absence *beyond that time,* will subject them to the same disadvantages as if they had not been put in Charge of the Duties of the Station. When availing themselves of the Privilege conferred by this Rule, they will be considered to forfeit their claim to *return* to the Station they formerly held, and on the expiration of two years' absence, will be nominated *to any Appointment that may be then vacant.'*

"At the instance of the Right Reverend the Lord Bishop, the Hon'ble the Lieutenant-Governor has been pleased to modify the Resolution published on the 1st July 1846, wherein it was declared that Chaplains would be appointed to *Subathoo*, *Kussowlee*, and *Landour*, in the same manner as to Stations in the Plains." *Govt. N.W.P.* *Genl.* Dept. 26 Aug. 1847.

"The Appointment of Chaplains at the above Stations, as well as at Others in the Hills, will be held *in such manner and for such periods* as may seem fit to Government, upon recommendation by the Ecclesiastical Authorities."

"As the intention of the Orders of the President in Council, communicated to you in my Letter, No. 1009, of the Letter of *Govt of India*, Home Dept. No. 141, to

Govt, of Bengal, 8 Feb. 1852. Comm. by Adn. *Pratt.*

12th December last, was to put Darjeeling on the same footing as the Sanataria in the North-Western Provinces, the Modification of the Rule quoted* in your letter, and which has now been brought to notice by the Right Reverend the Lord Bishop of Calcutta, must, of course, be held to be applicable to Chaplains nominated to Darjeeling."

Govt. of India, Res. *Finl.* Dept. 30 May 1856.

" The period during which a Chaplain performs Duty in the Hills, under the Orders of Government, will count as Service [for the Retiring Pension]; whether he has gone to the Hills, in the first instance, on Leave or by Appointment of Government."

* The *Modification* was that of the *Govt. N. W. P.* in the *Genl.* Dept. of the 26th Aug. 1854.

Chapter XXXIX.

Straits' Chaplaincies; their Advantages and Disadvantages, and by what Chaplains obtainable.

"The Honorable Court of Directors have been pleased to order, that the two Chaplains of Penang and Singapore should, during their Services there, receive Co.'s Rs. 800 per month." Bp. *Wilson's* Circular to the *Assistant Chaplains.*

"2. This advantage is considered rather nominal than real, from the dearness of provisions, and the high rate of wages in the Straits."

"3. At the same time, the Salary being so considerably higher, I think it right to enquire of my Reverend Brethren, the Assistant Chaplains, whether they would wish me to recommend them

to Government, if a vacancy, or vacancies, should occur. At present there is none."

"4. I will beg of you, therefore, in case you do not wish me to recommend you for such Appointments, to forward this Letter (at the latest, a week after you have received it,) to the next Reverend Assistant Chaplain on the List."

"5. If, on the other hand, you should wish to be so recommended, then I will thank you to return me this Circular forthwith, expressing in a private Note such a wish."

"6. On your succession in turn to the List of Full Chaplains, you will be called from the Straits; in order that other Assistant Chaplains may enjoy the same advantage. On the other hand, if

circumstances of health, or other cause, should tend to your removal from the Straits *before* you are entitled to be placed on the List of Full Chaplains, *you will fall back to the* 500 *Co's Rs. a month* till your turn for promotion comes."

"7. The usual Travelling Allowances will be granted to you in going down to the Straits."

"The Governor-General in Council considers it advisable to lay it down as a Rule, that, in future, no Assistant Chaplain shall be appointed either to Singapore, or to Penang, who stands higher than *twentieth in order* in the List of Assistant Chaplains."

Letter, No. 1849, of the *Govt. of India* to the *Adn. of Calcutta*, 12 Dec. 1856. Comm. by Adn. *Pratt.*

Chapter XL.

Privilege Leave and Leaves of Absence on Private Affairs and on Medical Certificate.

Agra Civil Auditor's Manual, Art. 168. *Agra*, 1853.

" Any Chaplain leaving his Station, whether with or without the Orders of Superior Authority, is to report the circircumstance to the Civil Auditor."

Vide *New Civil AbsenteeRules.* Sec. xxxi.

" Chaplains and Assistant Chaplains may take Privilege Leave and Leave for Short Periods on Private Affairs and on Medical Certificate in and out of India, on the same *terms* and *conditions* as Military Officers with the *Modifications* which appear in this Chapter.

Govt. of India, Res. *Finl.* Dept. 30 May 1856.

" The Applications for Privilege Leave must, of course, be submitted, as before, through the Bishop for the Orders of Government."

" All applications for Leave of Absence either on account of Private Affairs, or of Sickness, are to be submitted [for the Orders of Government] through the channel of the Lord Bishop, or, in his Absence, through that of the Archdeacon or Episcopal Commissaries." *Supreme Govt.* 29 Dec. 1825.

" Chaplains shall be granted such Leave [Privilege Leave and Short Leave on Private Affairs] on the same conditions as Military Officers [in contradistinction from Officers holding Military Staff Appointments.] It is scarcely necessary to say, that Privilege Leave &c, will not be granted except by the Authority and at the Convenience of Government or of the Lord Bishop, as the case may be." *Court of Directors'* Desp. *Finl.* Dept. No. 40, 2 May 1855.

Court of Directors' Desp. *Finl.* Dept. 5 March 1856.

"With reference, moreover, to the "Privilege" Leave to Chaplains, which, in accordance with the Rule of the Military Service, may be taken for one month in each six months, we are willing to comply with the request of the Memorialists, that such Leave may be allowed to accumulate up to *three months as a maximum period*, Chaplains will thus be enabled to take three months' Leave *without deduction of Allowances* after eighteen months' continuous duty, provided the Convenience of the Public Service will allow of the Grant."

Vide Res. of *Govt. of India*, 5 Sept. 1856.

Service before, [8 June 1855] as well as after, the introduction of the New Civil Absentee Rules may be reckoned as

qualifying for the maximum period [three months] of Privilege Leave.

" There is no necessity for requiring that the Privilege Leave of Chaplains and Assistant Chaplains and Military Officers in Civil Employ, if taken in the course of the months of June or December, should be available only until the first of the following month, without Deduction of Salary; provided the Leave can be granted without Inconvenience or Additional Expense to Government, it may be enjoyed once *after five months' continuous Service*, without further limitation."

Court of Directors' Desp. *Finl.* Dept. 17 Sept. 1856.

" No. 466 of 1857.—Under the Authority of the Hon'ble the Court of Directors, the Right Hon'ble the Go-

Govt. of India Mil. Dept. 27 March 1857.

vernor-General in Council is pleased to extend to Officers generally, at the three Presidencies, the Privilege granted to Officers at Mooltan and Peshawur, of being allowed, when the Demands of the Service will permit, Temporary Leave, *without pecuniary loss or loss of service*, for sixty days consecutively, in the course of each Year, or of thirty days consecutively in each Half-year, as may be preferred by them."

Vide Res. No. 2587. of *Govt. of India Finl*, Dept. 30 May, 1857.

The indulgence of Temporary Leave for Short Periods, to proceed for the purpose of recreation into the Districts in which they are serving, as is granted to the Military Officers, agreeably, to Art. 54 of Sec. xlv of the Military Regulations, without affecting their claims to the more extending Leave irrespective of

Muster is *not conceded* to Chaplains and Assistant Chaplains.

Return to Station is necessary on the *Expiration* of Privilege Leave to admit of its Indulgence, and it cannot be taken in *addition to the time* allowed for joining a Station.

Vide *Res.* No. 2589, of the *Govt. of India Finl.* Dept. 30 May 1856.

" The Right Hon'ble the Governor-General in Council remarks, that it has been resolved by this Government, that ' Officers intending to take Furlough, or to retire from the Service, will in future be required to continue to serve, unless disabled by Sickness, for a *period of three months after return to Duty* from Privilege Leave under the Civil Absentee Rules, failing which its Advantages will be forfeited ; that the period of Preparatory Leave prior to

Govt, of India Res. *Finl.* Dept. No. 9, 30 Jan. 1857

Furlough on Private Affairs, during which the Absentee shall be allowed a Moiety of his Allowance shall be governed by the Rules,* applicable, to similar Leave in case of Medical Certificate, extending to one, two, or three months, according to circumstances; and that Officers stationed at the Presidency Towns* will be allowed Preparatory Leave for a period not exceeding one month."

* Clause VI of the Covenanted Civil Service Absentee Rules.

* Calcutta, Madras, Bombay,

"The Government of Bombay now report that, on a reference from the Archdeacon at that Presidency, they have recently held that the Rules above quoted are to be considered applicable to Chaplains and Assistant Chaplains."

"The Governor-General in Council is of opinion, that the view expressed in the Letter from the Government of Bombay is correct."

Sec. xlv. of the *Mil. Regulations* Vide Arts. 50 & 51.

Whenever a Chaplain or Assistant Chaplain shall exceed the term of his Privilege Leave, it is necessary that the circumstances of the case be fully reported, when, if the Government shall be satisfied, that the Absence in excess of the *Original Leave* has not been caused by Carelessness or wilful Negligence, nor attended by circumstances involving Culpability, Leave for this period will be accorded in Orders, and the Officer concerned will not, under these circumstances be subjected to *any Forfeiture of Allowance* for the term of the Temporary Leave granted; but the *period in excess*, the Absentee will

come under the Rules regarding General Leave on Private Affairs : when, however, Grounds for such Consideration are not known to exist, General Leave will either be granted, covering the *entire period* of the Officer's Absence, such Leave involving Forfeiture of Allowances to the extent prescribed by Para. 3 of the Court of Directors' Despatch, in the Financial Department, dated 5th September 1855 ;* or be refused altogether, in which latter case the Officer will be looked upon as *Absent without Leave* from the date of his *quitting* to that of his *return* to his Post.

Note to Art. 51. "If an Officer obtain six months' Leave on Private Affairs in General Or-

* Viz. " Furlough Pay, and, in addition thereto half the difference between their Full Pay and their Furlough Pay."

ders, he cannot reckon any portion of it as Privilege Leave; but there is no objection to an Officer absent on Privilege Leave obtaining without rejoining his Corps or Appointment, five months' extension in General Orders making a *total* of six months' absence, the Period authorized."

"The Most Noble the Governor-General in Council has been pleased to determine, that the fact of an Officer having recently returned to his Post from General Leave, whether on Medical Certificate or Private Affairs, is not to debar him from the Privilege of obtaining Temporay Leave for thirty days under the Orders [20th March 1851] above cited; provided the Authorities, under whose competence it may be to grant such Leave,

Adjutant General's Circular, No. 1842, 9 Nov. 1853.

shall, on consideration of the circumstances attending the Application, and having regard to the Interests of the Service, think fit to comply therewith."

Vide Res. of the *Govt. of India* in the *Home* Dept. *Eccl.* No. 192, 25 Jan. 1855, & the Notif. of *Govt. of India*, in the *Mil.* Dept. No. 430, 10 April 1855.

Chaplains and Assistant Chaplains who proceed on Leave to the Presidency, for the purpose of undergoing examination in the Oriental Languages by the Test prescribed for Military Officers, will be allowed to reckon the period of their Absence, to the *extent of six months only* as *on Duty*.

Art. 39 of the *New Mil. Furl. Rules.*

" These [New Military Furlough] Rules do not in any way affect the existing Regulations regarding the grant of Leave in India, or for Short Periods to Sea, whether on Private Affairs or Sick Certificate, except as to the Periods of such Absence being taken into calculation

in the time allowed to count as Service for Retirement on Full Pay."

"With the sanction of the Hon'ble the Court of Directors, the Hon'ble the President in Council is pleased to direct, that the period of Absence from India of Officers of the Bengal Establishment whose Corps are stationed above Allahabad, when proceeding on Leave to Sea, Australia, &c., from Ports in the Bombay Presidency, shall be calculated from date of *embarkation* to date of reporting their *return* at *Bombay* or other *Port,* instead of, as heretofore, from date of *quitting* to date of *return* to the *limits of their own Presidency.*"

Govt of India, Mil. Dept. No. 1231, 29 Nov. 1855.

"All Officers quitting India on leave to Sea or the Colonies, on Medical Certificate, who proceed to Europe without

Mil. Regulations, Sec. xxxvi. Art. 5.

having returned to India, shall be considered as on Furlough from the *dates on which they left India.*"

Mil. Regulations, Sec. xlv. Art. 7.

"Application for Leave on account of Indisposition, whether of the Party applying or of his Family, are to be supported by Certificates and brief Statements of Cases, under the Signature of Medical Officers."

Art. 45.

"Officers visiting Hill Stations are prohibited from crossing the British Frontier without a Pass-port from Political Authorities."

Ar. 47.

"No Officer is allowed to visit the Province of Cashmere, or any part of the Dominions of Maharajah Goolab Sing, without the sanction of the Government of India, communicated through the *Chief Commissioner for the Punjab.*"

Chapter XLI.

Furlough Rules.

The grant of Furlough to Chaplains and Assistant Chaplains is regulated by the Government of India in the Home Department. Vide Res. of *Govt. of India, Home* Dept. 27 July 1855.

Every Application for Furlough is to be made through the Government at whose disposal the services of the Applicant are placed.

Chaplains and Assistant Chaplains are to report their Departure to, and Arrival from, Europe to the Secretary to the Government of India in the Home Department.

" Having considered the position of the Members of our Ecclesiastical Establishments in connexion with the Rules which *Court of Directors'* Desp. *Eccl.* Dept.

No. 2, 14 June 1854. we have lately laid down for the grant of Furlough and Leave of Absence to our Civil and Military [Servants], we have determined that Chaplains and Assistant Chaplains shall be entitled to take Furlough on Private Affairs and on Medical Certificate on the same terms and conditions as Military Officers, with the following Modifications :—"

"1st. Chaplains being allowed to retire after twenty years' service, the period of Furlough (Private Affairs) must in their case, be limited to the present term of three years. The Furlough may, however, either be taken in one period, or be divided into two periods whether of eighteen months each, or of two years and one year respectively, and, if divided, the first Furlough may be taken, as at

after ?

present, after *seven* years' residence,* and the second Furlough after a further residence of *ten* years in India. As respects Chaplains and Assistant Chaplains appointed before the 11th January 1854, when the period of service was only eighteen years, their second Furlough, if they should exercise the option of taking Furlough in two periods, will be available after a second residence in India for the term of *eight* years."

Govt. N. W. P. Genl. Dept. 6 Oct. 1855.

" With reference to Instructions from the Government of India, it is notified for the information of Parties applying for Furlough, that such Applications can-

* *All* Leaves of Absence in India are allowed to count in the seven years' residence for *Furlough*, *though not for Retiring Pension*, for which only a *portion* of a Chaplain's total Leave in and out of India can be so reckoned.

take lots of leave of all kinds + retire after
years sick

not be granted until the prescribed Certificates of *no Demand* from the Offices of Audit and Account are furnished."

New Mil. Furl. Rules Art. 8, 11, 12, 23 & 26.

" All grants of Furlough on Private Affairs are subject to the exigencies of the Public Service."

" Leave of Absence on Sick Certificate will be granted for a term not exceeding *eighteen months*, whether it be to any place in Europe or elsewhere out of India."

" Extensions of such Leave may be granted as at present, on production of Medical Certificates, for further periods not exceeding *eighteen months in the whole.*

" The period of Furlough on Private Affairs, or Leave of Absence on Sick Cer-

tificate, is to be calculated from the Date of the *Departure from India of the Ship* in which the Officer proceeds."

"The Certificates issued to Officers, who are granted Furloughs on Private Affairs, or Leave of Absence on Sick Certificate, are to specify the time each Officer has been absent on Leave within Indian Limits, as well as the time of his previous Absence in Europe; but will not include the periods allowed for proceeding to the Presidency or Port of Embarkation, and to enable Officers to rejoin their Regiments or Stations after their return to India, nor the Leave of one month's Absence in six months as authorized by the Regulations."

"The Most Noble the Governor-General is pleased to direct, that in future

Order of *Gov. General* **For. Dept.No.**

564, 24 Sept. 1855. all Officers in the position described above, [holding Appointments directly under the Supreme Government,] shall, in making application for Preparatory Leave, declare from what Port it is their intention to embark, and whether they desire to obtain a Furlough on Private Affairs, or on Medical Certificate, or with a view of ultimate Retirement from the Service of Government."

Govt. of India, Mil. Dept. 7 March 1856. "Officers proceeding to Europe, whether on Medical Certificate, or on Private Affairs, may, when an opportunity occurs, embark at Kurrachee direct to Suez."

"In cases of Officers proceeding on Medical Certificate, the final Medical examination shall be made at Kurrachee by

a Committee of Medical Officers to be formed under the Orders of the Government of Bombay."

"Applications for Leave to Europe, embarking at Kurrachee, are to be made in conformity with the existing Regulations."

Agreeably to Article 9 of the New Military Furlough Rules, Chaplains may be allowed Furlough on Private Affairs for a period of six months without losing their Appointments, and agreeably to the Despatch of the Hon'ble the Court of Directors, in the Military Department, dated the 23rd January 1856, Chaplains who have availed themselves of such Furlough are not to be considered as having taken their authorized Furlough after se- 15 months

ven years' residence ; but may, with the permission of the Government of India take the remainder of their Furlough as authorized in the Hon'ble Court's Despatch, in the Ecclesiastical Department, of the 14th June 1854.

In conformity with Article 13 of the New Military Furlough Rules, Chaplains will be allowed to be absent on Sick Certificate in England, or elsewhere beyond Sea, for a period of fifteen months, without losing their Appointments to Stations.

Govt. of India, **Mil. Dept. 973, 4 Aug. 1854.**

" In order to prevent undue delay on the part of Officers in embarking for Europe, on Medical Certificate, the Most Noble the Governor-General of India in Council is pleased to declare, that in the event of an Officer not leaving India with-

in two months from the announcement of his Sick Furlough in Government General Orders, if he belong to the Company's Service, he will incur Forfeiture of Indian Allowances of every description; except when physical unfitness for a Sea Voyage shall have prevented his Departure, in which case his Allowances will be continued to him, within the *general limits* of the Absentee Rules, for so long as the Medical Board shall pronounce it unsafe for him to embark on board Ship."

"2.—This Order does not dispense with the necessity for General Leave to an Officer to visit the Presidency, preparatory to proceeding to Europe on Medical Certificate; nor does it imply that any Officer shall have his Regimental Allowances continued to him to the Date of Em-

barkation, who by availing himself of the period above allowed for that purpose, in addition to previous Leave, shall, on the whole, have been continuously Absent from duty more than *six months on Private Affairs*, or more than *two years on Medical Certificate*."

Govt. of India, Mil. Dept. No. 583, 10 April 1856.

"The Right Hon'ble the Governor-General in Council hereby notifies for general information, that if there be an avowed intention on the part of an Officer not to return to duty, or if the Government have valid grounds for concluding that the Officer has no intention to return to duty, the indulgence of Leave on Sick Certificate, *retaining Office*, will not be granted in future."

Clark's East India Register p. xliii.

"Officers who have not served ten years [in the case of Assistant Chaplains

it would be seven years] in India, but whose presence in England is required by *urgent private affairs*, may be allowed a Furlough for one year *without pay*."

"Officers coming to England on Furlough are required immediately to report their Arrival by Letter to the Secretary, with their Address, forwarding at the same time the Certificates they received in India."

"Under the exception contained in Act 53 *Geo.* III. *cap.* 155, *sec.* 84, as applicable to cases of Sickness, Infirmity, or inevitable Accident, no Officer below the rank of Lieutenant Colonel is eligible to return to the Service, *after five years' Absence* under that enactment; or under Act 33 *Geo.* III. *cap.* 52, *sec.* 70, who may fail to obtain from the Court

Supreme Govt. Publ. (*Eccl.*) Dept. 29 Dec. 1825.

of Directors an *extension* of Furlough, under the Provisions of these Acts."

"Previously to embarkation for India on Return from Furlough, a Certificate and Shipping Order are to be obtained from the Secretary to the India House, to be laid before Government, immediately on Arrival in Bengal."

Chapter XLII.

Retiring Regulations.

Court of Directors' Desp. Finl. Dept. No. 113, 28 Dec. 1855 Comm. by Adn. *Pratt.*

"The Period of Service required from Chaplains is 18 years from those appointed before the 11th January 1854, and 20 years from those appointed subsequently, *including in each case three years for a Furlough.* The period of *Indian residence* is, therefore, in the one

20
3
17
19
8 years more. Is!

case fifteen, and in the other seventeen, years."

"If a Chaplain or Assistant Chaplain should not avail himself of the Privilege of Furlough, he will be permitted to retire on the regulated Pension after the *completion* of the required period of *Indian residence.*"

"As the Option of abiding by the former Rules is *withheld* from Chaplains, we do intend that the Rules, which have been substituted for them, should operate with *retrospective* effect. The Sick Leave to the Cape which Mr.——— took under the old Rules will, therefore, be computed as *residence in India.*"

Court of Directors' Desp *Finl.* Dept. No. 69, 1 Aug. 1855.

"With regard to Chaplains and Assistant Chaplains, as the Option of abiding

Court of Directors' Desp. *Finl.* Dept.

No. 78, 5 Sept. 1855.

by the Old Rules is *withheld* from them we shall not, in their case, require *retrospective* application of the Rule in respect of Leave taken by them in India up to the Date of the Promulgation of the New Rules, but any such Leave, taken *in future* will count as part of the *maximum period of three years* which Chaplains are permitted to reckon as *Indian Service* for the Retiring Pension. It is to be understood that the Leave ordinarily called "Privilege" Leave is not included in the above computation."

All Leave—with the exception of Periods of Absence under Sec. xxv. of the Old Civil Absentee Rules of the 17th May 1843, which, of course, count as *Indian residence* for the Retiring Pen-

sion—taken *before* the Promulgation of the New Civil Absentee Rules of the 8th June 1855, will, as regards the required Period of Indian residence, be adjusted by the following Rule.

" In computing the period of Service, the completion of which entitles to Retirement, the period of Absence on certified Sickness, and under regular Permission either to the Cape of Good Hope, or other Settlement, is to be included therein, but not the period of Absence in account of Private Affairs, or from other Cause than Sickness."

Supreme Govt. Public Dept. (*Eccl.*. 29 Dec. 1825)

All Furloughs or Leaves of Absence taken *since* the 5th June 1855 will be adjusted by the following compiled Rule.

" No Furlough or Leave of Absence, whether on Private Affairs or on Sick

Vide *New Civil Absentee*

Rules, Sec. xxxl. *Court of Directors'* Desp. *Finl.* Dept. 5 Sept. 1855, & 30 of *New Mil. Furlough Rules.*

Certificate, taken in Europe or elsewhere in or out of India, *in excess of three years*, will be allowed to count as Service in India in the [eighteen and] twenty years which qualify Chaplains [appointed *before* and *since* the 11th January 1854 respectively] for their Retiring Pension: but the Leave ordinarily called "Privilege" Leave, and the Period specified in Article 29 of the New Military Furlough Rules of the 17th November 1854, will be reckoned in *the required period of Indian residence.**

Article 29 of the *New Mil. Furlough Rules.*

"In order that all Officers quitting India on Furlough or Sick Certificate, may be placed on an exact equality as regards loss of time the Period allowed by Re-

* With regard to Duty performed in Hill Station *Vide* page 244 of this Work.

gulation for proceeding to the Presidency or to the nearest Port of Embarkation, as well as the time to enable Officers to rejoin their Corps or Station after Return to India, will be considered as time counting for Service for the Retiring Pension."

"His Honor in Council resolves, that every Application for Furlough, or for Permission to resign the Service, whether from Chaplains or Civil Servants, shall be made through the Government or Chief Civil Authority at whose disposal the services of the Applicant are placed."

Govt of India, Res. *Home* Dept. 27 July 1855.

"We see no objection to Chaplains, who have completed the *full period* of fifteen years' *actual residence* in India,

Court of Di-tors' Desp. *Eccl.* Dept.

No. 1, 25 Jan. 1843.

retiring from the Service *there,* and drawing the regulated Retiring Allowance in that country."

Court of Directors' Desp. *Finl.* Dept. No. 15, 30 May 1854.

" Directions have been given to the Commissariat Officers in charge in *Van Dieman's Land, Western Australia, South Australia* and *New Zealand,* to issue the Pensions of all Persons retired from the Company's Service who may reside at either of those Colonies, on the Production of Certificates of last Payments in India, and Receipt of the necessary Communication from the Indian Governments:"

Bp. *Wilson's* 101st & 102nd Suggestions.

" On quitting the Diocese permanently for another Diocese, every Clergyman will apply to the Bishop or Commissary for Testimonials under the Episcopal Seal."

" Notice of such Intention to leave or otherwise, is desired to be given to the Bishop or Commissary, as long before the actual time of Departure or of Application as possible."

" Retirement from the Service, in cases in which no express intention has been signified, to be assumed and computed *after the expiration of three years* from the Date of *quitting* India, unless Furlough be extended, then from the Date of the Expiration of such *additional time*, or otherwise from the Date on which the Application to retire may be *laid before the Court*, whichever shall first happen."

Supreme Govt. Public Dept. (*Eccl.*) 9 Dec. 1825.

" In cases of Retirement, Testimonials from the Lord Bishop of Calcutta as to

conduct in India, to be transmitted to the Honorable the Court of Directors through the Government."

Chapter XLIII.

Salaries and Salary Bills.

Agra Civil Auditor's Manual, Arts. 1 *Agra*, 1853.

"The Civil Auditor is the authorized Channel of Communication with Government on all questions arising out of Allowances. References are submitted through him, and, in like manner, the Decisions of Government are communicated to the Parties concerned."

"Chaplains draw Rs. 800, and Assistant Chaplains Rs. 500, per mensem; the Salary commences from the Date of arrival within the Limits of the Presidency."

"There are two Senior Chaplains in each Presidency whose Salary is on a different scale from that of the general body of Chaplains."

Court of Directors' Desp. *Eccl.* Dept. 11 Jan. 1854.

One of them receives Rupees 1201-3-3, and the other Rupees 1126-2-0, per mensem.

Vide *Fort William* Civil Auditor's Annual *Eccl.* List.

"As the Allowance to the Chief Medical Officer under the new arrangement is limited to 9600 Rupeee per annum, we desire that the Income of each of the Chaplains be also fixed at that amount."

Court of Directors' Desp. *Publ.* Dept. 23 Feb. 1831, with regard to salaries of *Penang* & *Singapore* Chaplains.

The Salary of Assistant Chaplains, who receive their Appointments and sign their Covenants in India, commences from the date on which the latter are executed.

Vide *Court of Directors'* Desp. No 5, 30 April 1856. Comm. by Adn. *Pratt.*

"When Chaplains are removed from one Station to another, the Allowances of

Proceedings of *Gov. Gene-*

ral, 20 Nov. 1806.

the Stations to which they may be appointed are to be passed to them from the Dates of their Appointment to those Stations."

Agra Civil Auditor's Letter, No. 1002, dated 24 Nov. 1849 to Adn. *Pratt*, and Comm. by him.

"In all cases of Appointments the change only takes place on the *final departure* of the Officer vacating the Post, the Reverend Mr.——— will, consequently, draw his Salary as heretofore, and be considered as Officiating at Bareilly, and the Reverend Mr. ——— as Chaplain of Bareilly, is entitled to his Salary with the *authorized deductions*, up to Date of Embarkation."

Court of Directors' Desp. *Eccl.* Dept. No. 6, 13 Aug. 1851. Comm. by Adn. *Pratt*.

"As much misapprehension appears to exist at your Presidency with respect to the Individuals, who may, from time to time, become entitled to the *higher* Salaries, which have been fixed for the Se-

nior Chaplains, we direct that these Allowances be issued only to the two Senior Chaplains on the List, but that in the event of their, or either of them, coming to Europe on Furlough, the same be drawn by the *next in seniority in India*, pending the Furlough of the Absentee, who is to resume the Allowance from the Date of his Return.

" 2. We further direct, that in cases of Absence of either of the Senior Chaplains *within the limits of the Charter, no* portion of the Allowances forfeited during such Absence be granted to *any other person*."

" On first arrival, one month's Salary may be drawn *in advance*, but not without the sanction of Government." *Agra Civil Auditor's* Manual, Arts. 76, 285, 286, &

287. *Agra*, 1853. "No bill for a fixed Salary is to be forwarded for Audit previous to the expiration of the month for which it is drawn."

"Bills not bearing a legible signature or the designation of the Office held by the Drawer, are to be returned unaudited."

"In the event of loss of an Original audited Bill, duplicate Audit may be granted; a Letter of Advice to be sent simultaneously to the Accountant."

Chapter XLIV.

Home Remittances and Family Remittance Drafts.

Court of Directors' Desp. *Mil.* Dept. No. 9, 26 Feb. "Para. 4. We have come to the determination to grant to our Officers a remittance through our Treasury, at such a

rate of Exchange as will not occasion positive loss to our Finances."

1834. Published in the Order of the *Supreme Govt. Mil.* Dept. No. 139, 10 July 1834.

"5.—The rate of Exchange which we intend shall be observed is that at which Advances made, from the Indian Treasuries to His Majesty's Government, are annually repaid to us in this country."

" 9. You will forward to us Quarterly Rolls of the Stoppages made from the Pay and Allowances of the Officers, who desire to avail themselves of this *indulgence*, and it must be clearly understood, that the Remittance is to be granted for the benefit only of the immediate Relatives (that is to say, of the Parents, Wives, Children, Brothers or Sisters,) of the Officers who apply for it."

Supreme Govt. Mil.

" In continuation of General Orders, No. 139, of the 10th July last, the

Dept. No. 192, 9 Oct. 1834.

Hon'ble the Vice-President in Council is pleased to admit Chaplains on this Establishment to a participation in the *indulgence* therein conferred, of making Remittances to their Families in Europe through the Hon'ble Company's Treasury, to the following extent ; viz.

Chaplains as Majors, the rank in which they subscribe to Military Orphan Fund.	£150 per annum."

Assistant Chaplains have, subsequently, been allowed to make Remittances as Captains ; viz. £100 per annum.

Vide Circular, No. 308, of the *Accountant N. W. P.* 27 Sept. 1854.

Chaplains may obtain Family Remittance Drafts on Provincial Treasuries, to the same extent as Majors of Infantry, viz. to that of Rs. 789-3-0 per mensem : and Assistant Chaplains to the same ex-

tent as Captains of Infantry, viz. to that of Rs. 415-6-0 per mensem.

Chapter XLV

Allowances on Leaves of Absence and Furlough, and Pensions on Retirement.

"With respect to the Allowances of Chaplains and Assistant Chaplains, whilst Absent on Leave in India for Short Periods, either on Private Affairs or Medical Certificate, [that is, in the *latter* case, when Absence is prolonged *beyond the one year* allowed in the following Despatch of the Honorable Court, dated 5th March, 1856,] we consider that they should be treated as Staff Officers, and as the latter receive the Pay and Allowances of their Regimental rank, together with half net Staff

Court of Directors' Desp. *Finl.* Dept. No.78, 5 Sept. 1855.

Pay, we approve of your Suggestion, that Chaplains be granted, during such Short Absences, Furlough Pay, and, in addition thereto, half the difference between their Full Pay and their Furlough Pay."

Court of Directors' Desp. *Finl.* Dept. No. 21, 5 March 1856.

"Adverting, however, to the Allowances which were drawn by Chaplains and Assistant Chaplains under the Old Rules, when absent in India under Medical Certificate, we have resolved to grant to them, during Absence *under such Certificate only*, within the limit of *one year*, their full Salaries, subject to a reduction of one-third for the whole term of regulated Absence, save and except that if the Salary be not more than Rupees 500 per month *no deduction* shall be made, and if it be only so much more than

Rupees 500 that the prescribed deduction of one-third would reduce the Allowance below that sum, only *the excess* beyond Rupees 500 shall be deducted."

Court of Directors Desp. *Eccl.* Dept. No. 2, 14 June 1854.

"The Furlough Pay of Chaplains will remain as at present. With regard to their Allowance during Sick Leave to any place out of India, we have resolved that, in accordance with the principle adopted for Military Officers, they shall receive Salary, (but at a rate not exceeding £600 per annum,) for the *first six months* of Absence, and for the remaining twelve months an Allowance equal to the Furlough Pay of their Standing. If the Leave be extended, an Allowance equal to Furlough Pay may be drawn for a further period of *eighteen months.*"

Court of Directors' Desp. *Finl.* Dept. No 78, 5 Sept. 1855.

"The Allowances to be received by Chaplains during their Absence *beyond Sea* on Sick Leave were specially fixed in our Ecclesiastical Despatch, dated the 14th June 1854, and with reference to that part of your Resolution of the 10th February 1855, which relates to the Sick Leave to Europe granted to the Reverend ——— of the Madras Ecclesiastical Establishment, we must observe that Mr. —— should, in accordance with our intention, receive Salary at the rate of £600 per annum for the *first six months* of his Leave, and subsequently the Furlough Pay of his Standing."

New Military Furlough Rules Art. 24. 17 Nov. 1854.

"Advances of Pay and Allowances to Officers proceeding on Leave of Absence on Sick Certificate, who may be entitled to

them, will be made in India for *three months* from Date of Embarkation."

" Furlough Pay will continue to be issued in advance for *six months*, when required by Officers obtaining Furlough on Private Affairs."

Officers who may proceed to Europe *viâ* Kurrachee or Bombay, from Stations above Allahabad, on the production of authentic Documents, showing the grant of their Leave, and the Date on which they quitted their Appointments, as also of a last Pay Certificate, can draw their Allowances at Kurrachee.

Vide *Govt. of India Mil.* Dept. No. 1065, 8 Aug. 1856.

" From a desire to promote to the utmost of our power the convenience and advantage of the Members of our Civil, Military and Marine Services, when resident in this country [England] we have

Court of Directors' Desp. *Publ.* Dept. No. 55, 15 Nov. 1837.

been induced to make a change which we have reason to believe will be highly beneficial to those interested, by determining that their Pay be in future issued Quarterly instead of Half-yearly as heretofore."

Vide *Supreme Govt.* Order, Public Dept. (*Eccl.*) 29 Dec. 1825, and *Court of Directors'* Desp. *Eccl.* Dept. 31 Aug. 1836.

Furlough Allowances.

Chaplains and Assistant Chaplains.	*Appointed to the Service.*					
	Previous to 1 Sept. 1836.			Subsequently to 1 Sept. 1836.		
	Per Diem.			Per Diem.		
	£.	s.	d.	£.	s.	d.
(From ill-health). Under 7 years' Service	0	10	6	0	7	0
On Furlough. Above 7 years' Service	0	16	0	0	10	6

In the case of sickness, Salary for *six months*, at the rate of £600 per annum, is, agreeably to the directions contained in the Ecclesiastical and Financial Despatches of the Honorable the Court of Directors of the 14th June 1854 and the 5th September 1855 respectively, granted.

"In all the Services of Government the *amount* of Annuity of Retiring Members is regulated by their length of Service, and not by their Rank."

Letter, No. 164, dated 28 Nov. 1851, of *Govt of Bengal* to Adn. *Pratt*, and Comm. by him.

Retiring Pensions.

Authority		Appointed to the Service	
		Previous to 1st Sept. 1836, per Annum.	Subsequently to 1st Sept. 1836, per Annum.
Vide *Supreme Govt* Order, *Publ.* Dept. (*Eccl.*) 29 Dec. 1825, and *Court of Directors'* Desp. *Eccl.* Dept. 31 Aug. 1836.	Chaplains and Assistant Chaplains.		
		£. *s.* *d.*	£. *s.* *d.*
	After 7 years' Service (from ill-health,) ...	173 7 6	127 15 0
	—— 10 years' Service (from ill-health.) ...	200 15 0	173 7 6
	—— 18 years' Service (3 years' Furlough included)	365 0 0	292 0 0

Court of Directors' Desp. *Eccl.* Dept. No. 1, 11 Jan. 1854.

"We have determined to alter the Rules *prospectively* with respect to all Assistant Chaplains who may be appointed to our Service, and to require from

them as a qualification for the Retiring Pension [of £292-0-0 per annum] a minimum Service and Residence of 17 years, or a Service of 20 years including a Furlough of 3 years."

Chapter XLVI.

Bengal Military Fund.

" The Right Honorable the Vice-President in Council has much gratification in publishing, for the information of the Army, the following Extract (Paras. 93 to 98), from a General Letter from the Honorable the Court of Directors in the Military Department, under date the 30th August 1826, expressive of their concurrence in the Regulations now established for the Bengal Military Fund."

Notification of the *Supreme Govt.* in the *Mil.* Dept. No. 21, 26 Jan. 1827.

'93. The experience obtained from the operation of the Madras and Bombay Funds, induces us to accede to your wish, and to that of the Subscribers to the Bengal Military Fund, that the amount of Pensions to Widows shall not be contingent on the amount of Property left by their deceased Husbands.'

'94. We also accede to your proposition for substituting Solemn Declarations on honor for Affidavits, in all ordinary cases where there is no suspicion of unfairness.'

'95. The Rates and Rules for granting Pensions and other Benefits from the Bengal Military Fund, which are described in the printed Regulations transmitted to us, have likewise our sanction.'

'96. We shall make the desired Advances to the Agents of the Fund in

England, on the same terms as are allowed to other Indian Institutions, namely, 2s. 4d. per Sicca Rupee.'

'97. We also authorize you to allow 8 per Cent. Interest, on the *bona-fide* balances of the Fund paid into the Treasury.'

'98. Finally, we shall require all Chaplains, Cadets and Assistant Surgeons hereafter entering into our Service, to contribute to the Bengal Military Fund, in the same manner as they are now obliged to contribute to the Orphan Fund.' "

Order of the *Supreme Govt.* in the *Mil.* Dept. No 118, 15 June 1827.

"The Accountant General is requested to realize the contributions of Chaplains, who have entered the Service since the date specified for subjecting all 'Chaplains Cadets and Assistant Surgeons' to the Regulations of the Military Fund."

"The realization of Contributions to the Orphan Society, and to the Military Fund are, in all cases, to commence simultaneously."

Regulations of *Bengal Military Fund.* Art. vii.

All Subscribers to pay a Donation or Premium on entering the Fund, agreeably to the rates specified in the accompanying Table No. 1, and shall also allot for the support of the Fund, as long as they shall continue Subscribers, the monthly sums specified in Table No. II, agreeably to their Rank, whether in India or Europe."

Table I.

AMOUNT OF THE PREMIUM OR DONATION PAYABLE BY THE DIFFERENT RANKS.

	Married.						Un-Married.								
	On joining the Institution.			*On Promotion.*			*On joining the Institution.*			*On Promotion.*			*On Marriage.*		
	Rs.			Rs.			Rs.			Rs.			Rs.		
Cols. & Members of the Medical Board	4350	0	0	723	12	0	787	8	0	157	8	0	3912	8	0
Lieut.-Cols. and Superintending Surgeons	2501	0	0	612	8	0	630	0	0	157	8	0	2151	4	0
Majors Chaplains and Senior Surgeons	1452	0	0	517	8	0	472	8	0	135	0	0	1190	0	0
Capts. Surgeons and Assistant Chaplains	695	0	0	455	0	0	337	8	0	135	0	0	507	8	0

Table II.

Amount of monthly Subscriptions of the different Ranks.

	If in India.						If in Europe.					
	Married.			*Un-married.*			*Married.*			*Un-married.*		
	Rs.	A	P	Rs.	A	P.	£	*s*	*d*	£	*s*	*d*
Cols. and Members of the Medical Board ...	62	8	0	28	2	0	3	15	0	1	13	9
Lieut.-Cols. and Superintending Surgeons	45	0	0	20	4	0	2	10	0	1	2	6
Majors, Chaplains and Senior Surgeons, ...	35	0	0	15	12	0	2	0	0	0	18	0
Captains, Surgs. and Assistant Chaplains ...	20	0	0	9	0	0	1	6	3	0	11	10

"The Donation to the Military Fund, to be paid by the Chaplain or Party joining the Institution, becomes *due* on the Day of his Admission; the *indulgence* of allowing the payment to be made by *monthly instalments* is not to be admitted as affecting the Principle." *Agra Civil Auditor's* Manual Arts. 325, 326. *Agra* 1853.

"With reference to Arrears due from Subscribers to the Bengal Military Fund, the Civil Auditor is enjoined to comply with periodical requisitions from the Secretary of the Fund, and to make such Deductions from the Pay and Allowances of the Subscribers as may be stated by the Secretary to be due, as Donation, Subscription, or on any other account."

"It is a condition of Appointment to our Military Service, that all Officers shall subscribe to the Military Fund; and, *Court of Directors'* Desp. *Mil.*

Dept. No. 117, 23 Oct. 1850.

we consider it imperative on those who are married to subscribe in *that* Class."

Regulations of *Bengal Military Fund.* Arts. xvii, xviii, xix, xx.

" The Benefits derivable from the Military Fund are two-fold :—

1st. Such as are granted by the Regulations to Subscribers while living.

2nd. Such as are granted to Widows of deceased Subscribers.

" The Benefits granted to Subscribers while alive are considered personal, and subject to the decision of the Directors for the time being, who will be guided in their decision on each Claim by the Regulations of the Fund, except when they have reason to entertain doubts with respect to any such Claim ; it will in such cases be their duty to call for further information from the Claimant ; and if this information should not be satisfactory to

the Directors, they are authorized to withhold the payment of the Claim."

"A Subscriber, of whatever rank, who may proceed to Europe on Sick Certificate, and who may not be allowed Passage-money from Government, shall be authorized to apply to the Military Fund for the sum of Rupees 800 to defray that Expense, provided his Application shall be accompanied by a sincere and solemn Declaration that he does not possess the sum of Rupees 5,000, or Property of any Description to that amount; and also shall be entitled on his return to India to receive from the Agents in England, the sum regulated for the Outward-passage,* on the production of a

* All subscribers, of whatever rank, are entitled on their return to India to receive £80 for the outward-passage.

Declaration, that he neither possesses nor has, at any time, possessed £500 Sterling or Property of any Description to that amount (exclusive of Pay) during the period he has been in receipt of English Pay on Furlough."

"A Subscriber so proceeding to England on Sick Certificate, shall be authorized to apply for the further sum of Rupees 300 for his Equipment, his Application being accompanied by a solemn and sincere Declaration of his not being possessed of the sum of Rupees 2,000, or Property of any Description to that amount; but no Allowance will, in any case, be made for Equipment to a Subscriber returning to India."

The following are proposed Alterations in Articles xix. and xx.

"That all personal Benefits be withdrawn from Subscribers whose Emoluments at the time of proceeding on Furlough, or within six months of that time, equal those of a Regimental Major, and that in the case of married Subscribers, not included in this Category, and who may otherwise be eligible to such Benefits, one Moiety of the present Rates, shall only be allowed."

"That unmarried Subscribers, who may hereafter draw personal Benefits shall, on the occasion of their marrying, be required to refund a Moiety of the same to place them on a footing as respects such Allowances, with married Members."

Pensions.

	Proposed Scale in India.								
	Per Mensem Military Fund.			Per Mensem Lord Clive's Fund from June 1855.			Total Per Mensem including Lord Clive's Pension.		
	Rs.	As.	P.	Rs	As.	P.	Rs.	As.	P.
Colon	14	9	0	93	2	10	307	11	1
Lieut	71	10	5	74	8	8	246	3	0
Major	28	11	9	55	14	6	184	10	1
Capta	85	13	3	37	4	4	123	1	3

	Scale.								
	'er Annum ord Clive's Fund.			Total per Annum including Lord Clive's Fund.			Amount of Proposed 10 per Cent. Reduction in Europe on Pension from Military Fund.		
	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*
Colo	114	1	3	395	13	6	31	5	9
Lieu	91	5	0	316	10	9	25	0	7
Majo	68	8	9	237	8	0	18	15	5
Capt	45	12	6	158	5	5	12	10	3

" If a Widow Pensioner on the Fund marries, her Pension is to cease during her coverture ; but in the event of her again becoming a Widow, she shall be re-admitted to all the Benefits she may have enjoyed from the Fund during her first Widowhood, in like manner as if she had not re-married ; but subject, of course, to all the limitations and conditions prescribed by the Regulations in the first instance. If the second Husband shall also have been a Subscriber to the Fund, the Widow will receive, however, only *one annuity*, taking that which may be the greatest, that is to say, according to the Rank of the first or second Husband, whichever may be the *higher*." Article xxvi.

The following alteration in Article XXVI has been proposed.

" That the first Clause of Article 26 be modified as follows : If a Widow Pensioner on the Fund shall re-marry, she shall receive *one-third pension*, provided her Husband, if a Member, continue his Contributions, but in the event of her again becoming a Widow, &c, &c."

Article xxvii. " Every Widow benefiting by the Military Fund, and not provided by Government with a Passage to Europe, shall be entitled (for one Passage only) to an Allowance of Rupees 1,000."

It is proposed to make the following Alteration in Article XXVII.

" That half Passage-money only be allowed to future Widows, but that it be optional with Members to subscribe *specially*, at rates to be fixed, for the *other* Moiety,

should they desire their Widows to have a Claim for the *full amount* of this Benefit."

" Generally all payments due from the Fund are made *quarterly* in England, and *monthly* in India ; but in cases when Pensioners or Claimants on the Fund are about to embark for Europe, all Arrears must be paid up to the *end of the preceding month.*" Article xlii.

A Proposition, which has been lately adopted by a majority of the Votes of the Subscribers, and by which Assistant Chaplains will have it in their power to subscribe in the grades of Major, Lieutenant Colonel and Colonel after a Service of 7, 12 and 17 years respectively, has been submitted to the Honorable the Court of Directors for their kind consideration and sanction. Communicated by the *Sec. to the Fund,* on 7 April 1857.

*

Chapter XLVII.

Bengal Military Orphan Society.

In answer to a request made to him by the Compiler, for a copy of the Code of Regulations of the *Bengal Military Orphan Society*, the Secretary, *Captain Beckett*, on the 1st April 1857, very politely supplied him with a Document, exhibiting the present rates of Subscription and Contribution to the Fund, and the Benefits receivable by *Orphans* and said, that, after certain Proposals *had received* the Sanction of the *Army*, the *Government of India*, and the Honorable the *Court of Directors*, a new Code would be framed. The Compiler conjectures, that *some months* must elapse before the required Sanction can be received, and the new Code completed; and, as he

is unwilling to postpone the publication of his little work, he begs, that the Subscribers to it, will be contented with a copy of the Document which he received.

"FORT WILLIAM, 29TH MARCH, 1856.

No. 527 *of* 1856.—The proposed measures, recently submitted to the Subscribers to the Bengal Military Orphan Society for extending the Benefits of that Institution, having been carried by a very large majority, and the Honorable the Court of Directors having authorized the new Rules being brought into operation without delay, the Right Hon'ble the Governor-General in Council is pleased to authorize the fol-

lowing rates of Subscription and Family Contribution, with retrospective effect from the 1st January last :—

Rates of Monthly Sabscription to be fixed from the 1st January, 1856.

	Rs.	A.	P.
Colonels, Archdeacons, and Members of Medical Board ..	25	0	0
Lieutenant-Colonels ..	20	0	0
Majors, Chaplains, and Superintending Surgeons	15	0	0
Captains, Surgeons, and Assistant Chaplains	10	0	0
Lieutenants, Assistant Surgeons, and Veterinary Surgeons	6	4	0
Ensigns, Second Lieutenants, Cornets, and Deputy Commissaries	5	0	0

Rates of Monthly Contribution to be paid from the 1st January, 1856.

	Rs. A. P.
For each Male Child until he attains the age of 19	1 0 0
For each Female Child until Marriage or Death	3 0 0

(Sd.) R. J. H. Birch, *Colonel,*
Secy. to the Govt. of India,
in the Military Department.

Note.—Vide General Orders by G. G. in Council, No. 569 dated 8th April, 1856.

"BENEFITS."

To be received by Orphans from the Fund under the New Rules, which came into operation on the 1st January 1856.

1*st.*—Every Male Child whether legitimate or illegitimate who may become

an Orphan subsequent to the 1st of January 1856, (and whose Father has paid the encreased Subscription and Family Contribution) shall be entitled, if under the age of 19 at the time of his Father's death to receive

" In England.

If under 6 years of age, £30 per Annum.

If above 6 years of age, £40 per Annum."

" In India.

If under 5 years of age, Rs. 20 per month. If above 5 years of age, Rs. 35 per month, until he becomes 19 years of age, or is in a Position to gain his own Livelihood previous to that time, when he will

be struck off the List of Wards and

Will be entitled to receive as an Apprentice Fee or Final Grant as follows :—

In England, £63

In India Rs. 500

at the discretion of the General Management, unless previously provided with a Maintenance to *their* Satisfaction."

"*2nd.*—Every Female unmarried Child whether legitimate or illegitimate who may become an Orphan subsequent to the 1st January 1856 (and whose Father has paid the encreased Subscription and Family Contribution) is entitled to admission to the Fund from the date of her

Father's death *without any reference to her own age at the time of that event*, and to receive until her Marriage or Death as follows : "—

" In England.

If under 6 years of age, £30 per Annum.

If above 6 years and under 18 years of age, £45 per Annum. And on her becoming 18 years of age, she will receive £35 per Annum."

" In India.

If under 5 years of age, Rs. 20 per month.

If above 5 years of age, Rs. 35 per month.

She will receive this latter sum per month until Marriage or Death."

"Every Female Orphan will also receive as a Portion on her Marriage, if sanctioned by the General Management, and *at their discretion* the sum of £150 if in England, and Rs. 1,500 if in India."

"It is only in extreme cases that the Marriage Portion will be withheld from Female Orphans."

"All legitimate Orphans of Subscribers will be sent to England for Education, if from their age the General Management consider it proper and necessary, and they will receive Passage-money as follows :"—

If one Orphan be going alone		Rs. 600
If two are going	each	" 500
If more than two		" 450

"The illegitimate Orphans of Subscribers will not be sent to England for their Education, but the Females will be domiciled in Kidderpore House, and the Males will be placed at some suitable School."

"In addition to the above extended Benefits, it is to be distinctly understood that the Military Orphan Society cannot in any manner interfere with any Property which may belong to, or be left to, any Ward who may have become an Orphan subsequent to the 1st of January 1856, and whose Father had paid the encreased Subscription and Family Contribution as ordered by the Hon'ble Court of Directors, the Government and the Votes of the Subscribers in 1847 and 1855. In

short, all Orphans who have become such since 1st January 1856, are entitled to the Full extended Benefits of the Fund, whether rich or poor, their Claims being *entirely irrespective* of their Property."

Note.—The above is a Statement of the Extended Benefits as sanctioned by the Hon'ble Court of Directors and the Government. A regular Code of the New Rules is in preparation, and when perfected will be submitted to the Subscribers and Government for confirmation."

"Addition to the Old Rules passed by the Board of General Management at the monthly Meeting on the 26th February, 1857."

"That all money bequeathed to a Ward of the Society being *boná fide* savings from the Income of the widowed Mother, or the Sum effected by her means

on the Insurance of her Life be not claimed by the Society, but be allowed to be paid over as bequeathed without prejudice to Allowance Apprentice Fees, Final Grânt or Marriage Portion."

Chapter XLVIII.

Lord Clive's Fund.

Govt. Order 11 Aug. 1803.

" In consequence of Instructions communicated in the General Letter of the Court of Directors, dated the 14th January last, all Applications from Widows of Officers to be admitted to the late Lord Clive's Pension Fund, are to be accompanied by *attested* copies, in duplicate, of the Certificates of their Marriage, and the Affidavits, in duplicate, setting forth that their respective Husbands did not die pos-

sessed of Property to the amount prescribed* by the Deed of Agreement between the Company and Lord Clive, nor any Person or Persons in trust for them."

Supreme Govt. Order, *Mil.* Dept. 17 Feb. 1821.

"In obedience to Instructions from the Honorable the Court of Directors, the Most Noble the Governor-General in Council notifies in General Orders, that Widows of Officers admitted to the Benefit of Lord Clive's Fund by this Government, will not be received on the Fund in England, unless they produce a Certificate from the Pay Department, specifying the Date of Admission, and the Period to which the Pension has been paid in India."

* *Viz.* a Colonel, *neither he, nor any person in trust* for him, possessed of, or entitled to *real or personal* estate to the value of £4,000; a Lieut.-Colonel, £3,000; a Major, £2,500; a Capt., £2,000; a Lieut., £1,000; an Ensign, £750. *Vide Govt. Order*, 23 *July* 1771.

Govt. of India, Mil. Dept. No. 937, 16 Sept. 1854.

" With reference to Government General Order No. 350 of the 20th June 1851, in which was published the Form of Affidavit to be taken by Widows of Officers applying for the Benefits of Lord Clive's Fund, the Most Noble the Governor-General in Council is pleased to republish the Form of Affidavit, and to direct particular attention to the Note subjoined to it, *which Note is invariably to be entered at the foot of the Affidavit.*"

" To Wit

——————————— hereby maketh Oath that she is the Widow of late ——— ——— ——— ——— in the Hon'ble the East India Company's Service, and that she has not contracted Marriage with any other Person since the

death of her aforesaid Husband; and this Deponent further swears, that her said Husband did not die possessed of, or entitled to, real and personal Estate, to the amount in value together* of —————— nor any Person or Persons in trust for him.

Sworn before me this——day of———

"Para. 11. Chaplains who have not served 7 years in India are admissible to the benefit of Lord Clive's Fund in the rank of Captain. After completing a Service of 7 years, their Retiring Allowances are provided for, independently of Lord Clive's Fund, by the Regulations conveyed to you

Court of Directors' Desp. *Mil.* Dept. No. 92, 9 Oct. 1833.

* Note.—To include any Settlement that may have been made at the time of Marriage."

in our Ecclesiastical Letter of the 22nd November 1826."

"12. As by the Regulations announced in that Letter, Chaplains may retire on the Full Pay of Lieut.-Colonel after 18 years' Service (including 3 years for a Furlough), we have considered the Widows of those who die in the Service after completing that period to be eligible to the benefits of Lord Clive's Fund in the rank of Lieutenant-Colonel."

"13. The Widows of Chaplains who have completed 7 years' actual Service in India, are admissible in the rank of Major, and those of Chaplains of less Service in the rank of Captain, being the Ranks the Pay of which is receiveable by those Classes of Chaplains respectively when on Furlough."

"Para. 31. Chaplains appointed since 1st September 1836, and their Widows, if entitled to Pension from Lord Clive's Fund, are admissible only at the following rates, viz." *Court of Directors'* Desp. *Mil.* Dept. No 66, 4 Oct. 1843.

"1st. Chaplains who have not served seven years in India, a Pension of (£63-17-6) Sixty-three, Seventeen Shillings and Six Pence a year, (being one moiety of their Pay on Furlough, as fixed by our Letter in the Ecclesiastical Department, dated 31st August 1836, No. 2,) and their Widows, One half of that sum, viz. (£31-18-9) thirty-one, Eighteen Shillings, and Nine Pence."

"2nd. The Widows of Chaplains who have completed seven years' actual Service in India, as Widows of Captains."

"3rd. The Widows of Chaplains who have completed fifteen years' actual Service in India, as Widows of Majors."

Court of Directors' Desp. *Mil.* Dept. No. 40, 14 March 1855.

"The Pensions to Widows of Officers, when entitled to that advantage, are as follows, *viz.*"

		s.	d.	
"Widows of Colonels	...	6	3	a day.
,, Lieut.-Cols.	...	5	0	,,
,, Majors	...	3	9	,,
,, Captains	...	2	6	,, "

"Converted when payable in India into Rupees at 2s. 0½d. the Rupee."

Govt. of India Mil. Dept. No. 586, 22 May 1855.

"With reference to the foregoing, the Hon'ble the President in Council is pleased to notify the following as the proper equivalent at 2s. 0½d. per Company's Rupee for the English rates of Pension to the Classes enumerated, viz."

				Per Mensem.	
Widow of a Colonel, ...	...	Co.'s Rs.	93	2	10
,, ,, Lieut. Colonel,	...	,,	74	8	8
,, ,, Major,	...	,,	55	14	6
,, ,, Captain,	...	,,	37	4	4

Chapter XLIX.

Miscellaneous Subjects.

Table Money.

Chaplains and Assistant Chaplains employed on *Civil* duty for whom a Passage may be provided, under competent Authority, in a Government Vessel, if their Salaries do not exceed 600 Rupees a month, the Government will pay half the Table Money, leaving the other half to be recovered from the Officers, and if their Salaries exceed 600 Rupees a month, the Officers shall defray the whole Charge themselves.

Vide Order of *Govt of India*, 1 Sept. 1854, Comm. by Mr. *Eede.*

Letter of *Govt. of India Finl.* Dept. No. 3531, 2 Oct 1855. to Mr. Commissary *Fisher*, Comm. by Adn. *Pratt*.

"The Rule applicable to Military Regimental Officers and to Chaplains does not entitle either Class of Public Servants to have any portion of their Table Money paid by Government when proceeding from Port to Port on *Medical Certificate*."

Registrar's Fees on *Certificates of Baptism, Marriage and Burial.*

Ecclesiastical Registrar's Letter to the *Govt of Bengal*, 2 Nov. 1847. Comm. by Adn. *Pratt*.

"By the Table of Fees hitherto sanctioned by the Bishops, and the present Metropolitan, the whole Fees on a Certificate of Baptism, Marriage and Burial granted at the instance of, and for the use or benefit of the Applicant, and not at the instance of Government, including the search and letters written, are Co's Rs. 6; but such Fees where the Applicant is either a Private Soldier or any poor per

son in the employment of Government, or otherwise, and to whom or whose Family it would be a hardship to pay such or any Charges, the practice of the Office has always been to relinquish all claim whatever as to such Fees."

"I would also have the honor to state for the further information of the Government upon this point, that whenever such Documents from the Registry are required by the Government, or any Copy of Papers recorded or registered, whether of the same kind, or nature as those alluded to, or any other, are applied for, for the service or for the information of the Government, its Officers or Servants, the practice is to furnish the same not only free of expense, but to afford every facility in supplying what may be necessary with re-

ference to the same. The Remuneration for such service being thought to be covered by the general Salary allowed to the Registrar."

THE RIGHT CALLED *Copyright.*

Stephen's Commentaries, vol. ii. pp. 34, 35. *Lond.* 1853.

" The subject is now mainly regulated by 5 and 6 *Vict.* c. 45, which (after repealing 8 *Anne*, c. 19, 41 *Geo.* III. c. 107, and 54 *Geo.* III. c. 156) provides still more amply in favour of Literature by an Enactment that the *copyright* of every *book* (under which word is included, in the constructiou of the Act, ' every volume, part, or division of a volume, pamphlet, sheet of letter-press, sheet of music, map, chart, or plan, separately published,') which shall be published in the *life-time* of its Author, shall endure for

his natural life, and for seven years longer ; or if the seven years shall expire before the end of *forty-two* years from the first publication, shall endure for such period of *forty-two years* ; and that when the work is posthumous, the *copyright* shall endure for forty-two years from the *first publication*, and shall belong to the Proprietor of the Author's Manuscript."

For a proof that the Right treated of in the foregoing Paragraph, can be enforced in the Territories under the Government of the East India Company, *vide* Act No. XX. of 1847.

EXAMINATION OF CADETS.

The Hon'ble the President in Council is pleased to direct, that Boards for the Examination of Cadets appointed abroad, *Govt. of India, Mil.* Dept. No. 682, 26 June 1855.

to the Honorable Company's Service, shall hereafter be assembled at the Seats of the Local Governments and shall be composed as follows :—

At Calcutta,... ...	An Officer of Engineers. One of the Chaplains on the Establishment, to be selected by the Lord Bishop. The Secretary to the Board of Examiners.
Agra and Lahore,	An Officer of Engineers (Chief Engineer or Superintending En-

Agra and Lahore,	gineer when present at the Station.) A Military Chaplain. A Third Officer, either a Civil, Military or Medical Officer, to be selected by the Local Government."

"3. When there may be Candidates for Examination, the Boards will meet on the second Tuesday of each month. The *Senior* at the Board is to preside."

"4. No *fees* will be allowed to the Members of the Board; but any Member

not present at the Station where the Board is assembled shall have his *expences* by Dak or other Conveyance paid from his proper Station and back to it on presenting his Bill at the Pay Office, countersigned by the President of the Board."

Chapter L.

Services of Clergymen not Chaplains.

Court of Directors' Desp. *Eccl.* Dept. No. 3, 4 April 1855, to the *Govt. of Madras,* quoted by the *Govt. of Bengal,* in Letter, No. 677, 25 May 1855, to Bp. *Wilson.* Comm. by Adn *Pratt.*

"Para. 7. If at any time, instead of taking Chaplains off their regular Duties, for the purpose of visiting the Out-Stations, the Lord Bishop may be able to avail himself of the services, on that occasion, of some other Clergyman of the Established Church, of whose qualifications, although not in our *regular employ,* he feels assured, we shall not object to

the payment to such Clergyman of the amount which would have been received as an Extra Allowance by a regular Chaplain for the performance of this Duty. By this means the services of the regular Chaplains may be retained more exclusively for the discharge of their own Station Duties."

" His Honor in Council will be prepared in any case in which the services of a Chaplain of the regular Establishment may be required, but not available, for a particular Station, to sanction the grant of an Allowance of Rupees 100 per mensem to a Clergyman of the above mentioned, [the *Additional Clergy*,] or any other, Society, whom your Lordship may appoint for the performance of the Duties of such a Sta-

Letter of *Govt. of India*, No. 901. 20 July 1855. to Bp. *Wilson*. Comm. by Adn. *Pratt*.

tion, and whom the Local Governments may recommend for such Allowance."

Letter of *Govt. N.W.P.* No. 895, 11 May 1853 to Adn. *Pratt,*

"2. As it appears that a sum equal to nearly 11 Rupees per mensem was formerly expended as Travelling Allowances for the Stations referred to, [Muttra, Mynpooree and Shajehanpore,] and as that Charge has been rendered unnecessary by the appointment of a Clergyman by the Additional Clergy Society to each of the Stations, the Lieutenant-Governorc onsiders it fair and reasonable that a Charge equivalent to the Amount saved should be borne by the Government towards defraying the Expenses of the several Churches in question."

"3. His Honor is accordingly pleased to sanction the Disbursement so long as

Clergymen from the Additional Clergy Society shall remain at the several Stations, but in case of removal of any of the Clergymen the Allowance attached to the Church of his Station shall cease."

Such clergymen serving Govt. temporarily & recg. pay
not "Servants of Govt." in any other respects ?
Feb: 59

THE END.